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THE

LONDON REVIEW.

APRIL—JULY,

1835.

'Legitimæ inquisitionis vera norma est, ut nihil veniat in practicam, cujus non fit etiam doctrina aliqua et theoria.'—BACON, *De Augm. Scien.*

'Those who have not thoroughly examined to the bottom all their own tenets, must confess they are unfit to prescribe to others; and are unreasonable in imposing that as truth on other men's belief which they themselves have not searched into, nor weighed the arguments of probability on which they should receive or reject it.'—LOCKE, *Essay on Human Under.*

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THE

LONDON REVIEW.

Art. I.

THE STATE OF THE NATION.

THE use of placing before us a view of the present state of the country respects the future. We may derive from it two advantages: First, a more sure anticipation of the train of events, which time is about to bring forth; Secondly, a more distinct perception of the means which we may employ, for accelerating and improving the results of a beneficial kind,—for mitigating, or altogether preventing, the results of an opposite kind, which the mixed nature of the causes now in operation is tending to produce.

The most remarkable circumstance, in the state of our country at the present moment, is the strength of the spirit of reform. The evidence of this strength is very singular. A set of men, whose pride and vanity, whose boast and glory, it has been, throughout their lives, that they were the general enemies of reform, and who, of course, found their account in it, that is, found this profession in accord with the opinion of a sufficient section of the public to obtain emolument and honour by its means—have been compelled to profess themselves the general friends of reform: of course, because no sufficient section of the public mind remained in such a state, as to hold out either support or reward to those who professed themselves of a different sentiment.

This fact is decisive. The predominant section of the public, those with whom the preponderance of influence—intellect and property taken together—in forming public opinion, resides, are proved to be reformers. This is not denied by the new converts: they lay it as the ground of their conversion. They say, that no men, not bereft of their reason, can now hope to carry on the government of this country, in a spirit opposed to the spirit of reform;—they justify their change of policy by saying, that a clear and steady manifestation of public opinion renders that expedient in government, which otherwise would not have been expedient; and as nothing in government is good, to which the public mind is permanently opposed, anti-reform therefore is not good, in the present circumstances of this country.

We accept this apology, as a justification, so far. But, if all reform is bad, the public opinion, however strongly manifested, will not make it good. If public opinion call for changes, and all changes lead to a balance of evil, the public opinion may be too strong to be resisted; but every good man will lend his utmost endeavour to effect a change in it, and in the mean time to make the innovations to which he gives way as insignificant as possible. But, on the other hand, if public opinion is right—and that question, as regards our own country, we shall presently search to the bottom—then the men who are only reformers by compulsion, and who submit to it as a necessary evil, are very unfit to have the guidance of public affairs;—that is, to have the power put into their hands of preventing, as far as possible, every increase of the public good.

To see the force of that evidence of the spirit of reform which we are now contemplating, it is necessary to consider it in its elements.

The Tory party, heretofore the proud boasters of anti-reform passions—men whose nurture, from the cradle upwards, whose conversation all their lives, and whose substantial interests, all tended to give them an abhorrence of reform, and of all the men who sought to promote it—have latterly changed their language, and their name. Instead of enemies of reform, which they boasted of as their distinction and glory, they now assure us that they are true reformers;—instead of Tories, a name synonymous with attachment to all the abuses by which the state is afflicted, and with all the infirmities of intellect by which old women are distinguished, they call themselves *Conservatives*—a name, the import of which we shall examine thoroughly by-and-by.

Counting upon a majority, in the late House of Commons, of persons imbued with the spirit of reform, this party tried an experiment upon the country, for which we thank them. The spirit manifested during the last general election is satisfactory in the highest degree: it has shown that the reforming mind is more widely diffused, and has taken a more firm hold of the most numerous class of the men who possess influence with their fellow-citizens, than otherwise we should have had ground for believing.

When we consider to what an extent the influence of all the property, held in large masses, was exerted, to procure the return of supporters to the present ministry—and when we further consider the advantages under which that influence was exerted—that, under the imperfections of the present law of election, (an important *item*, by-the-by, in the state of the country, and

which must not long be permitted to remain as it is,) the power of intimidation, and the power of bribery, possessed by the owners of large property, have full scope to exert themselves, and were exerted to an extraordinary degree in the last election; and when we reflect on the result, that all this power was balanced, and more than balanced, by the combined influence of the men of small property,—we are led to the inevitable conclusion, that the middle classes, which of necessity lead the inferior, are almost wholly gained by the spirit of reform, and that to such a degree as to ensure on their part the utmost vigour of action, and to create such a tide of public opinion as will be sure to carry along with it, and that speedily, all the more enlightened and generous among those by whom the property in large masses is possessed. The ascendancy of the spirit of reform is now out of danger, and even of dispute.

The next thing, upon which we have to reflect with wonder, is the shortness of the time in which the spirit of reform in this nation has grown to such a degree of strength. This is perhaps the circumstance of the present period on which the future historian will dwell with the greatest astonishment. How small a time is it to look back upon, since a sentiment tending to reform could not be uttered in genteel society;—when only men of the firmest nerves dared to appear as reformers;—when Sir Francis Burdett, with all his claims to indulgence, was actually expelled from aristocratic society, and all but hooted down in the House of Commons, and when aristocratical men and aristocratical women generally boasted of having cut his acquaintance;—when to be called a Benthamite was a mark of reproach, and men who courted aristocratical society affected to pass an acquaintance of that description in the street.

When we reflect upon the smallness of the interval—from the time when not only all the honours and emoluments of the state, and all the powers of government, were appropriated and secured to the sworn enemies of reform, but even when the spirit of anti-reform was so preponderant as to create a proscription in society against every man who allowed it to appear that his mind had a leaning that way—to the time when now the spirit of reform has grown to such a height that it has the ascendancy everywhere, except in the House of Lords, and the court of the King: when the King's ministers, though inveterate, thorough-bred enemies of reform, are obliged to profess that they will govern in the spirit of reform, and cannot govern otherwise;—and when even the ballot, that bugbear of the Aristocracy, can be advocated in good company without opprobrium; we are entitled to conclude that the interval will

not be long before that ascendancy will manifest itself in some material results.

One of the things which most deserves our attention, in reflecting on this astonishing progress of the spirit of reform, is the little encouragement under which it has grown up to this power, in this wonderfully short space of time. It is indeed to be remarked, that it has grown up almost entirely in circles where the prospect of the honours and emoluments of the state had little effect, or even the smiles and caresses of aristocratic society—all carefully reserved for people of another sort; but what one asks with some astonishment is, how did they come by the ideas? Reading is the principal source of information in those circles; and undoubtedly they must have profited by their reading. But how little reading, calculated to be useful to them, has been put in their way? The newspapers, on this subject, have hitherto been very unsteady and imperfect instructors. It is, indeed, but of yesterday that any newspaper of influence has dared firmly and plainly to advocate the principles of reform. A newspaper also is compelled rather to assume results, than explain them; and rather to enforce the topic of the day, than to insinuate a new idea into a mind which is only beginning to inquire.

The other periodical publications, which have flourished during the interval we speak of, were not even calculated to help forward the spirit of reform in the middle classes. They were addressed not to those who were beginning political reading, but to those who were hackneyed in it. They as little thought of teaching in the elementary method as the newspapers. In fact, their discussions were of the nature of newspaper discussions, and so much the worse, as they were more wordy. The principal among them also were addressed to the aristocratical classes, and either harangued perpetually against reform, or touched it as 'cats touch mustard.'

It does appear that the spirit of reform must have grown up in the circles of the middle order, chiefly from their own reflections; from observing, with their own good sense, the turn which was habitually given to things in parliament; how regularly every proposition which tended to the good of the Many was thrown out; how regularly every abusive institution which yielded emolument to the ruling Few was clung to and preserved. To this course of reflection we have no doubt that the exertions of Mr. Hume have rendered the most important service. The perseverance with which he showed up from day to day gross instances of the misapplication of the property of the people; the parallel perseverance with which the House of Commons

protected the misapplications—in time produced a powerful conviction, that the House of Commons was not so constituted as to be an instrument for the good of the people. These were matters which men in their shops, and in their fields, even at their looms, and their anvils, could understand without much reading. And we do in our consciences believe, that Mr. Hume has done more to rouse the spirit of reform, and carry it to its present state of ascendancy, than any man living, or than any aggregate of men which we can name. Even the ill usage which he so long sustained in the House of Commons, and from all the parties which it then contained, is one of the memorable circumstances in the history of parliamentary reform, and adds to the debt of gratitude which the nation owes to this its truest and most undaunted friend.

Having seen how rapid has been the growth of the spirit of reform, and how great the strength which it has now acquired, we have still to answer some other questions before we can fix its relative importance as an article in the present state of the country.

First of all, what is to be said of its permanency? May we prophecy that it is a casual fever of the public mind, destined to have its period, and then to die away? or must we look upon it as a permanent affection, which not only never can be eradicated, but of which the power must go on increasing?

That this is an important question every one will immediately see; and what the answer to it must depend upon will also be seen, as soon as it is mentioned. The permanence or fugacity of the spirit of reform must depend upon its tendency to produce good or evil. There is no need of apprehending that the public will ever grow tired of making additions to its good. This is an appetite which grows by what it feeds on. Whatever the amount of previous additions, that does not in the least abate the relish of something more, or take from its value. The last addition may be of as much importance as any of those which preceded it, and worthy of as eager a pursuit. But reverse the supposition; assume that this pursuit of good will always terminate, not merely in disappointment, but calamity—then we may conclude, with certainty, that it will not be of long duration.

This, then, is the question which awaits us,—Does the pursuit of reform tend to good, or to evil?

This is a question, the very terms of which appear to supply its answer.

The pursuit of anything means a tendency towards the attainment of it. The pursuit of good, therefore, is a tendency towards the attainment of it. The talk we usually hear, in

reply to this observation, is from the purpose. This pursuit, they say, is liable to be ill-directed. True; men may mistake their way; but they more frequently find it, and arrive safe at the place they intended. And another thing,—when they find out a mistake they have once committed, they are seldom in any danger of committing it another time. Great errors were committed in the first voyage round the world, which now are with certainty avoided.

We think, therefore, it is a clear case, that the pursuit of political good—which is what we mean when we name the spirit of reform—has a tendency towards the attainment of it, and that it only needs to be well directed to ensure that end. We thence conclude, and with an assurance approaching to certainty, that the men who, instead of giving directions for avoiding the mistakes liable to be committed by the people in the pursuit of political good, (which would be the certain course of honest men fearing those mistakes,) labour to beat down and destroy that pursuit; whose constant endeavour it is to defame it; to represent it as the purpose of none but the most wicked of men, of those whose desire it is to destroy all those securities which human beings have set up to defend them from the violence and injustice of one another, and thus to effect the ruin of all that is good for mankind—are men to whom the attainment of political good is unwelcome. That can arise from one cause only—that their interest is opposed to it. In other words, the people's good is their evil; therefore, they hate the people's good, and leave nothing undone to make the pursuit of it be thought odious—the horrid mother of everything which most strongly excites the terror of mankind.

To understand this unhappy position of a portion of our fellow-citizens, we must call to mind the division which philosophers have made of men placed in society. They are divided into two classes, *Ceux qui pillent,—et Ceux qui sont pillés;* and we must consider with some care what this division, the correctness of which has not been disputed, implies.

The first class, *Ceux qui pillent*, are the small number. They are the ruling Few. The second class, *Ceux qui sont pillés*, are the great number. They are the subject Many.

It is obvious that, to enable the Few to carry on their appropriate work, a complicated system of devices was required, otherwise they would not succeed; the Many, who are the stronger party, would not submit to the operation. The system they have contrived is a curious compound of force and fraud:—force in sufficient quantity to put down partial risings of the people, and, by the punishments inflicted, to strike terror into the rest;

fraud, to make them believe that the results of the process were all for their good.

First, the Many were frightened with the danger of invasion and ravage, by foreign enemies; that so they might believe a large military force in the hands of the Few to be necessary for their protection; while it was ready to be employed in their coercion, and to silence their complaints of anything by which they might find themselves aggrieved.

Next, the use of all the circumstances calculated to dazzle the eyes, and work upon the imaginations of men, was artfully adopted by the class of whom we speak. They dwelt in great and splendid houses; they covered themselves with robes of a peculiar kind; they made themselves be called by names, all importing respect, which other men were not permitted to use; they were constantly followed and surrounded by numbers of people, whose interest they made it to treat them with a submission and a reverence approaching adoration; even their followers, and the horses on which they rode, were adorned with trappings which were gazed upon with admiration by all those who considered them as things placed beyond their reach.

And this was not all, nor nearly so. There were not only dangers from human foes; there were invisible powers from whom good or evil might proceed to an inconceivable amount. If the opinion could be generated, that there were men who had an influence over the occurrence of this good or evil, so as to bring on the good, or avert the evil, it is obvious that an advantage was gained of prodigious importance; an instrument was found, the power of which over the wills and actions of men was irresistible.

Ceux qui pillent have in all ages understood well the importance of this instrument to the successful prosecution of their trade. Hence the Union of Church and State; and the huge applauses with which so useful a contrivance has been attended. Hence the complicated tissue of priestly formalities, artfully contrived to impose upon the senses and imaginations of men—the peculiar garb—the peculiar names—the peculiar gait and countenance of the performers—the enormous temples devoted to their ceremonies—the enormous revenues subservient to the temporal power and pleasures of the men who pretended to stand between their fellow-creatures and the evils to which they were perpetually exposed, by the will of Him whom they called their perfectly good and wise and benevolent God.

If, besides the power which the priestly class were thus enabled to exercise over the minds of adult men, they were also permitted to engross the business of education—that is, to create such

habits of mind in the rising generation, as were subservient to their purposes, and to prevent the formation of all such habits as were opposed to them—the chains they had placed on the human mind would appear to have been complete: the prostration of the understanding and the will—the perpetual object of their wishes and endeavours down to the present hour—to have been secured for ever.

The alliance of the men, who wielded the priestly power, was, in these circumstances, a matter of great importance to those who wielded the political power; and the confederacy of the two was of signal service to the general end of both—the maintenance of that old and valuable relation—the relation between Those *qui pillent*, and Those *qui sont pillés*.

There was another instrument—not, indeed, of so great, but of no mean potency. We allude to the lawyers. Men speedily discovered how much they were exposed to injury from one another, even in the state of social union, and found how greatly they were dependent on the protection which was afforded them against such injuries. They greatly valued that protection, and respected greatly the men who were its more immediate instruments. These men naturally thought of serving themselves by the advantageous situation in which they were placed. They wished to make the dependence upon them of the other members of the community as great as possible. This was to be done mainly by rendering the mode in which they yielded that protection mysterious and obscure. Obscurity, especially in the less instructed states of the human mind, is a powerful cause of that kind of reverence which is mixed with fear. Nobody knows what may be in a thing which is obscurely seen. It is almost always swelled into something of vast dimensions, and pregnant with good or evil according to the frame in which the imagination of the half-observer may be at the time. More than this: when law was obscure, nobody could obtain the benefit of it but by means of the lawyers, because by them alone was it understood. This created a state of profound dependence on the part of all the rest of the community. It proved, of course, to the lawyers, a fertile source both of riches and power. The alliance of the men of law with the men of the state and the men of the altar, became thence a matter of importance to the trade of all; and the union of Law and State has not been less real, though less talked about, than the union of Church and State. It is unfortunate that it never obtained a name, and therefore is more frequently overlooked.

A threefold cord is not easily broken. The doom of mankind might now have appeared to be sealed. The shackles on the

mind secured the shackles on the body; and the division of mankind into *ceux qui pillent, et ceux qui sont pillés*, might have been thought to be established for ever.*

There was, however, in the womb of time, a small event, which was destined to give a turn to the tide of human affairs. A German tradesman, not one of the high classes, not one of those *qui pillent*, but one of those *qui sont pillés*, invented a method of stamping written characters on paper, and, by that means, of multiplying the copies of a writing to any extent. At that moment the voice of Heaven went forth—*Let there be light!* and the voice was heard in Erebus—in the deepest cells, and strongest holds of the friends of darkness.

Of this light the effects were visible, first, in the affairs of the church. The grossness of the priestly frauds and delusions had been not only observed, but remarked upon, sometimes with scorn, sometimes with indignation, by the prime spirits of the age, before the appearance of Luther—the most heroic of the sons of men, and the greatest earthly benefactor, beyond compare, of the species to which he belonged.

When the human mind had burst the shackles imposed upon it by one class of those who desired to hold it in bondage, and refused to take the word of priests for the standard of what was good and evil for human nature, it could not forbear examining the shackles of all other kinds with which it was loaded, and the use to which they were converted. The acts of those who wielded the powers of government began to be scanned, and to be tried by the test of their conduciveness to the weal or ill of those over whom, and in whose behalf, they were exercised.

That criticism, that examining, and testing, has been going on from that day to this. It has been going on, indeed, under the greatest disadvantages, and its progress has been slow. The advance has, notwithstanding, been unintermitted. The movement has been irresistibly, and unchangeably, forward; and latterly, as we have seen, it has been wonderfully accelerated.

The artifices by which it has been resisted have always been very similar. Such manifestations of it as could be punished were repressed by violence and cruelty. This expedient was at first extensively used. Still there were operations which could not be combated in this way. These were to be attacked by defamation.

The history of reform, from its first page to its last, is hardly

* 'Tyranny and oppression never wanted either a plea or an advocate for whatever they did: for the majority of the lawyers, the divines, and all quæstuary professions, will be sure to run over to the stronger side, where will passes for law, and rapine for Providence.'—*L'Estrange, Fab.* 483.

anything but a repetition of the same imputations. Read the History, by Father Paul, of the Council of Trent, assembled for the express purpose of arresting the progress of the Reformation, and putting an end at once both to Luther and his doctrines. The reformation of religion was to produce exactly the same effects as the reformation of government is to produce at present. The people were altogether unfit to judge what was good for them in religion. If they were left to themselves to try, the consequences would be horrible. All sorts of monstrous doctrines would be propagated. Every man, or small number of men, would have a different creed, and society would be torn to pieces by the contentions of the different sects. Nor would this be all. From religion they would quickly pass to government. No form of government would content them, and property and government would expire together in general confusion.

There is wonderful uniformity in human nature under all the appearances of diversity. They who had an interest in keeping bad things as they were, behaved in the same way then as they do now. They represented themselves as *Conservatives*, and those who desired removal of the bad things, *Destructives*. And conservative they were, but of what things?—the bad. The others were destructive, no doubt, but of those things only which it was good to destroy; that is, the causes of suffering and degradation to the most numerous portion of the species. This explanation, however, of the meaning of the two words they carefully avoided then as now. They designed, and they effected, fraud. Religion, Government, were the two generical terms. They left it to be understood, that when they called themselves *Conservatives*, they were labouring for the conservation of religion and government; that the men whom they called *Destructives* were labouring for the destruction of religion and government. Now it is certain that religion and government never were in any danger. Religion and government never had in the world any but friends.

What, then, was the object of those who imputed the destruction of religion and government to those who desired the reformation of them? We cannot be mistaken in the answer. They hated the Reformation, and hoped to be able to render it odious by misrepresenting it—by affirming of it that which was not true. They did their utmost to make it be believed, that reformation and destruction were synonymous terms—that they who desired to take from government whatever made it work ill for the people, and supply to it whatever would make it work well, laboured only for its destruction—that they who desired to

strip religion of all the hurtful ingredients which the interest of priests had incorporated with it, or fastened upon it, and to reap the good of it pure from evil, laboured in like manner for the destruction of religion.

The wonder is—not that these artifices, supported as they were with all the factitious power and authority of the times, were long deplorably successful—but that even now there are men who have the audacity to make use of them. There are men—a class of them—even now, who think they have answered us, or try to make other men believe they have answered us, when we desire to make those changes in government and religion, which are necessary to prevent them from being instruments in the hands of *ceux qui pillent* and to make them instruments of good to *ceux qui sont pillés*, by calling us *Destructives*, and telling the public that we ought to be put down.

This is a species of arguing, which is never perseveringly applied in behalf of a good cause. The reason is sure. A good cause has always better means of defence. The good things which are in it can be shown. The ill things in that which is opposed to it can also be shown; and when this is done, all question is at an end.

He who, in opposition to a plan of improvement, has nothing to offer but a vague picture of distant consequences, of a horrible nature, proves only one thing, with whatever assurance, or even fury, he may vent his prophecies: that he has his reasons, whatever they may be, for hating the plan, and doing what he can to prevent the realization of it. The use of this expedient, therefore, is always to be taken as the sign of a bad cause. It is the 'hay on the horn,'—*hunc tu, Romane, caveto.*

There were formerly two sets of people who were glib in the use of this argument; the anti-reformers, and the half-and-half reformers. The former of the two classes is now extinct; they are incorporated with the half-and-half men. But in their junction they have not relinquished the old mode of warfare.

There is a class of reformers,—namely, all those who desire any changes which the class in question do not desire, some desiring more and some less,—whom they have been calling radicals; and endeavouring by that name to class with all that is most despicable in the community, till the name at last began to acquire respect; and then they changed it to that of destructives. Under that name, it is given out, that all those who desire any greater reforms, than those which are desired by the half-and-half men, are men who desire the destruction of religion and government, or who are stupid enough not to see that what

they desire is the same thing; and then follows the endeavour to hunt them down by clamour and abuse.*

The force of the weapon, however, is nearly spent. Those who desire to take but a crumb of reform and leave the rest are daily losing ground against those who desire to go on reforming, so long as there is anything to reform. Why should rational beings stop short in lessening the number of things which hurt them? Why should they cease adding to the number and efficiency of the things which do them good?

The enemies of reform,—we mean the enemies of all but the crumb,—may be assured, that the public now see far too clearly the reason of the case, to be stayed by the pretence, that seeking good they will catch evil. They ask themselves, and have gone too far ever to cease asking, 'Why should not we be as good judges of what is beneficial, what hurtful, as the men who never yet were found to offer us any advice, except on matters which concern themselves.' Whensoever we, the portion of the community *qui sont pillés*, seek an atom more of protection to ourselves against those *qui pillent*, they are in an uproar; the evils, which are not only threatened, but certain, are the most horrible

* The nature of these resources was well understood by Chillingworth: 'It is an argument of a despairing and lost cause to support itself with these impetuous outcries and clamours, the faint refuges of those that want better arguments; like that stoic in Lucian who cried, *ω καταραι, oh, damned villain!* when he could say nothing else.' —*Relig. of Prot., Ep. Ded.* Again,—'Men are engaged to act this tragical part only to fright the simple and ignorant, as we do little children, by telling them, *that bites*, which we would not have them meddle with.'—Ibid.

'Sir, I am always inclined to suspect a man who endeavours rather to terrify than persuade. Exaggeration and hyperboles are seldom made use of by him who has any real arguments to produce.'—*Dr. Johnson's Parliamentary Debates*, vol. ii., p. 39. 'Sir, to discourage good designs, by representations of the danger of attempting and the difficulty of executing them, has been at all times the practice of those whose interest has been threatened by them.'—Ibid. p. 42. In illustration of this comprehensive proposition take the following instance:—'This was the famous act (2 Hen. c. 7) against the Lollards, upon which many of those people suffered. In the preamble they are loaded with the imputation of state crimes, as a pretence to delude the people into a concurrence with the churchmen in their persecution. They are said to be united in confederacies to destroy the king, and all other estates of the realm, both lay and spiritual,—and all manner of policy,—and finally the laws of the land.'—*Reeves' Hist. of English Law*, vol. iii. p. 260. He further says, (Ibid. p. 235,) speaking of the first law which was made against the Lollards (2 Hen. IV. c. 15)—'The meetings of heretics in their conventicles and schools are stigmatized in this act with the name of confederacies to stir up sedition and insurrection; the very pretence that had been made use of by the Romans against the primitive Christians, and which had been adopted by the Romish Church ever since to suppress all opposition or inquiry into its errors.'—We see who were the *Conservatives*, and who the *Destructives*, of those days. Our *Conservatives* are a little milder in their ways. Why? Because they are less able. Make them once more as powerful as they were in those days, and we shall soon see they have found the short and easy way with the *Destructives*. 'The wisdom of ancestors' would be produced, as the encouragement, and justification of the energetic methods.—There is nothing, for making people good and merciful, like taking away from them the power of being mischievous and cruel.

which can be presented to the imagination. On the other hand, whatever is done to take from our protection, and add to the facilities with which the trade of those *qui pillent* is carried on, is done with the utmost coolness. Never any forebodings of danger from that source.—The public have learned to suspect such advisers. They say, and they say with a witness,—'When we look at the body to which we belong, and the body to which they belong, not only is the greater wisdom with us, but there is no wisdom to be found anywhere else. Look at the body *qui pillent;* how small the number among them who are good for anything; to whom any other man would confide the management of his ordinary affairs; who have an understanding comparable to that of an ordinary tradesman! * And even among those who stand foremost in the class, there is not one that passes mediocrity. A wit among lords is, proverbially, only a lord among wits. On the other hand, all that is great and powerful in intellect,—all that excels in any of its walks,—all the men from whose minds anything signally beneficial has proceeded in former times, or can now be expected to proceed, have been, are, and ever will be found in the class to which we belong. Why then should we not trust to our own wisdom as much as to theirs.'

Of what use is it to point to the lowest class among us, and ask if they are fit to judge what is good or bad in political or ecclesiastical institutions? We point to the majority in the class who defame us, and ask in our turn, if they are qualified to judge what is or is not good in such matters, or any other matters of the smallest importance? If we are told, that we are not to look to the less wise, but the more wise in the class in question, because the less wise are governed by the more wise, we claim the benefit of the observation for ourselves. The less wise, in our class, are and ever have been governed by the more wise; and in our body the more wise are infinitely superior in wisdom to the wisest portion of theirs. Why then should we not follow our own reason, in preference to theirs, in matters which so deeply concern us? At the same time, we are far from being unwilling to discuss with them the questions between us. We indeed reject defamation as discussion, and content ourselves with exposing it. When the public is assured, by those who wish to discredit us and our cause, that our labours tend to the destruction of go-

* 'Et tamen, mi Attice, auguria quoque me incitant, quadam spe non dubia, non hæc collegii nostri ab Appio, sed illa Platonis de tyrannis, ... si ii provincias, si rempublicam regent, quorum nemo duas menses potuit patrimonium suum gubernare.'—*Cic. ad Att.*, lib. x ep. 8.—The high classes in Rome were better educated, and better employed, than the high classes in England.

vernment and religion, we say that we intend the preservation of both; and we ask, if government is less government when it is rendered true to its ends, than when it is to a great degree perverted from them; if religion is less religion, when it is purged of the pollutions with which the selfish interests of men have defiled it, than it is when mired and merged in these impurities? The question, then, between us is not as to our professed ends, —they are the same,—the preservation of government and religion, purged, both of them, of their abuses. We differ about two things: what are the abuses, and what the proper remedies for them. And these we allow to be fair subjects of discussion; provided always the discussion be fair. We grant, also, that they never ought to be decided without discussion, and that continued, till it has become obvious to the majority of disinterested and competent judges, that all the reason is on the one side, and only the reniteney of custom, or self-interest, on the other.

As an instance of our differences of opinion about abuses, we may point to what we consider the master abuse, the want of sufficient power in the people to choose their representatives. We say, that the means exist, even under the Reform Act, of taking away the power of choice from the people, to the extent of a majority of the whole number. Our opponents say that this is no abuse, but an advantage. They have talked loudly about the Reform Act as a *final* measure. Sir Robert Peel has lately grounded his accession to it on his belief, a declaration which gives the measure of the man, that it was an arrangement for ever,—a new 'original compact,' of everlasting and indefeasible obligation.

We can state, in narrow compass, the reasons on which we consider any defalcation in the power of the people to choose their representatives, as a master evil.

We go upon the postulate, that the power, by which the class *qui pillent* succeed in carrying on their vocation, is an evil; and ought to be abated. This postulate, indeed, has been refused, and with cries of great indignation; but we have not time at present to examine them.

We assume, then, that this power ought to be taken away; and we say, that we know but one way of accomplishing our object, which is, to grant to the people the entire and complete choice of their representatives.

This has ever been the great problem of Government. The powers of Government are of necessity placed in some hands; they who are intrusted with them have infinite temptations to abuse them, and will never cease abusing them, if they are not prevented. How are they to be prevented? The people must

appoint watchmen. But *quis custodiet ipsos custodes?* Who are to watch the watchmen?—The people themselves. There is no other resource; and without this ultimate safeguard, the ruling Few will be for ever the scourge and oppression of the subject Many.

'All free governments must consist of a Senate and People. The People, as Harrington observes, would want wisdom without the Senate; the Senate without the People would want honesty.' —*Hume's Idea of a Perfect Commonwealth.*

The representatives are the watchmen of the people; and two things only are wanting to make the people very perfect watchmen of the representatives; First, the perfect power of choice, which implies the power of speedy removal; Secondly, the full benefit of the press, which gives them the necessary knowledge of the behaviour of the representative. So circumstanced, the representatives will have a paramount interest in consulting the interest of the people, and in resisting every exercise of power which would trench upon it. And we reformers, till we have brought the state of the representation to this state of perfection, will not cease to have a grievance, which our best exertions will be strenuously and incessantly employed to remove.

So much as to an instance of what we deem an abuse. Now for a specimen of our remedies. The power of taking away from the people the choice of their representatives is all derived from two sources,—the publicity of the vote—and the want of power to displace a representative whose conduct does not give satisfaction. We desire, therefore, two things—we desire secret voting, and we desire short parliaments.

We know the goodness of these remedies is disputed. As what will not be disputed by those who have an interest that the question should be determined in a different way from the right one? But by what is it disputed? Not by reason and argument, by examining and showing the impotence to good, the potency to evil, of the remedies we propose, refuting all that we can urge in their behalf;—not by this, but by the stale, hackneyed resource of a bad cause, defamation—the imputation of all the vague, general consequences, which men are accustomed to dread, the loss of morals, the loss of government, the loss of religion: consequences regularly imputed to every project of change by which the good of mankind is to be greatly promoted. However, the discussion of these remedies is on foot; and the enemies of them may rest assured that it never will cease, till the public mind is thoroughly enlightened on the subject; and then they well know what will be the result.

We should now go on, and point out the reforms which we think are wanted in the other great provinces of abuse—Law and Religion; but we have been led on so far in illustrating the spirit of reform, that we have not space for these particular subjects, and must allot to them separate articles in future numbers of our publication.

After having shown how the community, as a whole, are divided into reformers and anti-reformers—for we account all those anti-reformers who cut off a slice of reform for us, and say, 'There, content yourselves with this, for you will get no more'—we proceed now to the next grand item in the catalogue of things which compose the state of the nation,—the mode in which public men, the men wielding any portion of the powers of government, are distinguished and classed.

Among them there are now no anti-reformers. Those who formerly professed anti-reform, now profess moderate reform; and they who formerly professed moderate reform, profess it still. The grand division, then, has come to be two-fold—that of the men who profess *moderate* reform, and that of the men who profess *complete* reform, which their antagonists call *radical* reform: a very good name, which they who apply it in scorn are working into repute.

There is a distinction between the new Moderates, and the old: they both, indeed, cut us off slices of reform, and, like Lord Peter, with the slices of his brown loaf, damn us to the lowest pit of hell, if we are not contented with what they give us; but the old Moderates, we believe, are willing to cut us the larger slice, and for that reason we give them the preference.

At the same time we do not conceal from ourselves, that there is a stronger affinity between the two, than between any of them and the men who say that they, for their parts, consider reform to be then only at an end, when there is no removeable cause of evil which is not removed, and no attainable cause of good which is not attained.

We consider, that the House of Lords is divided between the new Moderates and the old, the new, in much the larger proportion; and that if there be anything like a complete reformer in the House, the proportion is too small to be of any weight.

The House of Commons, too, is, in far the greater part, composed of the new Moderates and the old, with a preponderance, we think, in favour of the new. Of the House of Commons, however, there is a portion who deserve the name of *Complete* Reformers. A few years back there was no such thing. If one individual or two betrayed any symptoms of that unnatural

propensity, he was a marked man; the rest lolled out the tongue of scorn against him. Now, they are not a great proportion, but a considerable body, to which time is daily making additions, and to which the future time will doubtless make them rapidly.

It is of immense importance how this little band conduct themselves. They are in a position in which the good they may render—not to their country only, but to mankind—is beyond all calculation; and little are they on a level with the high vocation to which they are called, if their minds are not fired with the contemplation of it, and filled with the sacred ambition which it is calculated to inspire.

Till a higher station in the great council of the nation is prepared for them, it is impossible for them to hope that the powers of government will be put in their hands—or, at least, that they could employ them successfully, for the furtherance of the benevolent objects they have in view. If any remarkable combination of circumstances, not without the bounds of possibility, should place the powers of government within their reach, the fate of them and their reforms would resemble precisely the fate of Turgot and Malesherbes. They would, after a few ineffectual struggles, be dismissed; and the restoration of their enemies would only put the realization of their plans of improvement farther off than before.

There is only one thing which we deprecate more than this, and that is, a partial union with either of the parties of the Moderates. The time is not quite come for that; but it is impossible to say how soon it may become the interest of either of them to seek an accession of strength, by admitting a portion of the complete reformers to the offices of state along with them.

We consider that this would be the death-blow to the influence of the complete reformers. Of course, the most soft-tempered and flexible of the party would alone be chosen for the association in question, who would not convert their friends the moderates, but be converted by them. The body of complete reformers would not only be weakened but broken up and discredited in the eyes of the nation.

If this important little phalanx understand their own position, they will take care to make clear what their purpose is with regard to place. Their business is to make it understood, beyond cavil or doubt, that they will not accept of place, and for what reason? that they are more powerful to aid the cause of reform as they are. They are sufficiently numerous, if they conduct themselves wisely, and with a single eye to their noble end, to

be a great power in the public council of the nation. It will be the interest of every minister to have them for him, rather than against him; and if the only successful mode of courtship to them be the grant of reforms, they may extort a succession of reforms from hands the most averse to the boon. Their advantages at the present moment are peculiarly great. The two parties of grudging reformers, the 'now's-enough' men, are nearly balanced; of course, the favour of those, who on every occasion can so easily turn the balance, is of the greater value, and the more will be willingly paid for it.

It is clear that the vocation of the class of philosophical reformers in parliament at present divides itself into two paths of exertion. The one is, to make it, as far as their weight can go, the interest of every ministry, be it what it may, to be the author of reforms. The second is, to be the champions of the philosophical principles of government. It is impossible to speak in exaggerated terms of the importance of this part of their high calling. There has been no example in parliament, up to this hour, of a man who has deemed himself worthy of this function, with the exception of the short period,—alas! how short,—in which the never-to-be-forgotten Ricardo lifted his head. His modest nature made him think only of that part of the subject which he had the most profoundly studied. But he had formed the idea of the function with perfect distinctness, and often said to the individual who now calls to memory, with acute sensibility, the irreparable loss which the world sustained by his untimely death, that his business in the House of Commons was to stand up for principle; to allow no renunciation of it to pass unnoticed, and no slighting talk about it to go unexposed; to watch the grounds on which measures of importance were laid, and to show on what a foundation of sand everything, not grounded on principle, was of necessity reared.

The absence of men in parliament who thought themselves worthy to stand up, as Ricardo appositely expressed it, for principle, has been so complete, that a fashion has been created against it. So far is it from being the custom in that place to measure anything by its accordance with principle, that the man is reckoned fine, who professes to hold it in derision or abhorrence. It has come to this pass, in that assembly, that the appeal to reason is discreditable,—the renunciation of it a thing to parade, and be vain of. The tone of the place,—not casual, not by fits and starts, but habitual, steady, is,—that the use of reason is to be discarded in the conduct of a nation's affairs. We believe it would be impossible to assemble an equal number of tolerably educated men, in any other part of the civilized

world, among whom it would be fashionable to set reason at defiance, and to profess to act in contempt of her dictates.

This remarkable characteristic of the legislative council in England is a declaration, clear and not to be mistaken, of the interests which are there pursued. Truly was it said by Hobbes, that 'when reason is against a man, a man will be against reason;' and with equal truth and certainty may we reverse the proposition, and say, 'whenever a body of men are found to be steadily and tenaciously against reason, we may safely conclude they have interests, to the gratification of which the exercise of reason would be fatal.' We find the following apposite sentiment in an anonymous writer:—

'All those who wish for arbitrary power over their fellow-creatures have an interest in preventing their acquiring habits of being governed by reason. Men who are in the habit of being governed by reason are not willing to be governed by any man in disconformity with reason. Hence the skill which has been employed in diverting men from the exercise of their reason. Forms, and ceremonies, and cant phrases, and subjection to all sorts of false belief, the weaker and more groundless the better, are equally favourable to the priests of all three classes; those who serve at the altar of state, those who serve at the altar of law, and those who serve at the altar of religion.'

The instruments which are chiefly made use of, in parliament, to cover the renunciation of reason, and render it somewhat less palpable, are a set of hack phrases, serving each of them as a wrapper for a little parcel of sophistry. Thus we have, 'Not speculation, but practice,'—as much as to say, act like a beast, and not one of the best of beasts, a blind horse in a mill; 'Wisdom of ancestors,'—as if ancientness of error were better than truth, or the everlasting repetition of evil converted it into good. Of late, the word 'Institutions' has been industriously employed to preclude the use of reason. 'Institutions,' in the talk of the anti-reformers, is made synonymous with government and religion; 'change,' is made synonymous with destruction. By force of this new nomenclature, therefore, he who desires to reform anything goes to the destruction of government and religion; as if government were no longer government when it is rendered good,—religion were no longer religion when it is rendered pure. What these people mean is, that government is then destroyed, when they are no longer permitted to abuse its powers, for their own aggrandizement, at the expense of the rest of the community; religion is then destroyed, when they cannot make use of it as an instrument for the accomplishment of the

same design. In other words, the mischievous tendency which has been given to each by the perfidious artifices of men, is, in their sense, the essence of each. The essence of government, the essence of religion, is the mischief which can be done with them. Let mischief no longer be done with them, they no longer exist.

Such is a specimen of the artillery against which the true reformers have to contend. The resources of their enemies are poor, both in quantity and quality, and soon would be exhausted. What havoc a few right-minded men might make in a few years of their masks and screens! How easily might the advocates of bad government be reduced to the miserable task of repeating exploded sophistry of the poorest kind, which then would not only not impose on anybody, but would degrade still lower even the abject creatures who could descend to the use of it.

The persevering advocation in parliament of the principles on which good government depends, and exposure of the sophistries by which it is sought to discredit them, would be a source of instruction to the nation, of which it is impossible to exaggerate the importance. The house, however, we are told, would not bear to be thus schooled. We know, indeed, that there is a right mode, and a wrong, of doing anything, and we do not advocate the wrong mode. With all the defects of the House of Commons, as at present constituted, there is in it a certain portion of good taste, and of good feeling. If a man speaks with simplicity and in earnest, not for the sake of self-display, but evidently for the sake of what he deems a great object, and is able to bring sense and reason to bear upon his question, without violating the respect which every man owes to the feelings of those about him, he will meet with listeners, and he will meet with respect. Why should not this be done, at once, by the little band of true reformers? They are the most instructed men in parliament, some of them, at least, by many, many degrees. And practice would in time give them dexterity in the use of their weapons, the celestial panoply of reason, in the service of mankind.

Beside this general field, there are spots on which the true reformer should make a particular stand. The most important of these is property. Of this the true reformer should signalize himself as the champion. The danger to it is very considerable; and arises, not from the class of poor men, as the enemies of good government so industriously teach, but from the pre-eminently rich; who in all ages have desired to consider nothing as property but that which they themselves hold, everything held

by others as held chiefly for their use—that is, with power in them to take to themselves, at any time, whatever portion of it they deem it convenient to take.

The security of property lies so deeply at the root of human happiness, especially of the poorer class, whose subsistence wholly depends upon the employment given to them by accumulated property, and who must perish when that is destroyed—that any infringement of the rights of property ought to be treated as the introduction of a devouring pestilence.

Upon this paramount consideration, it is consolatory to remember, that, of all the men in parliament, the little band of philosophical reformers have distinguished themselves with most zeal and effect to defend the rights of the creditors of the state, and to counteract the desire, not obscurely signified, of the pre-eminently rich, to make this class of their fellow-citizens their prey.

Upon the same principle it is of vast importance that, in the changes which reason recommends, the true reformers should be careful to protect all existing interests. When any source of expense, for example, is to be cut off, the operation ought to be prospective. Any person, whom law or custom has entitled to consider that the emoluments which he had been receiving he was to receive for his life, is, in reality, the owner of a life estate, as much entitled to protection as any species of property whatsoever.

Reasoning on this principle, we were exceedingly disconcerted, last year, when some of the true reformers were seduced into the vulgar cry against the holders of crown pensions. That the power of granting those pensions has been grossly abused, there is no doubt; and perhaps it ought to be wholly taken away. At all events, security against that, as against every other abuse, ought to be provided. But what is all this to the existing holders of pensions? They considered themselves sure of them for life, on a course of practice amounting clearly to prescription. They had, therefore, a life estate. And the small life estate of Mrs. Arbuthnot, of which so unjust and indelicate a use was made, appeared in our eyes as sacred, as the prodigious one of the Archbishop of Canterbury; and, with respect to the holders, the lady not the least respectable character of the two.

The operation of particular taxes—for the general amount of them is a topic for many a mouth—is another object of particular attention to the philosophical reformers. Any tax which, in its operation, takes money out of the pockets of the people, to put it, not into the treasury of the state, but into the pockets of individuals, they should never cease to expose. Such a tax is

spoliation, annual robbery, established by club-law; one of those institutions of ours, of which our *Conservatives* have erected themselves into the body-guards. Such is the tax on imported corn, which, so long as it exists, will so long stand an unanswerable, a trumpet-tongued, argument of the need of further parliamentary reform.

The abolition, also, of any tax, which must be replaced by some other tax, not less burdensome to the nation, while the operation of the removal will be to put money into the pockets of individuals which it takes out of the pockets of the people, making so far a clear addition to their burdens, is another instance of robbery, which ought to be luminously exposed, and strenuously resisted. Such would be the repeal of the malt-tax, so clamorously called for by a class of men whose predominance in parliament has ever been, and continues to be, the grand obstruction to good legislation. No man doubts that if the malt-tax is taken off, other taxes to an equal amount must be laid on. How, then, are the landlords to find their advantage? By a rise in the price of bread; a necessary consequence of an increased demand for another product of the soil. The people, therefore, to please the landlords, would have to pay some other tax or taxes to the state in lieu of the malt-tax, and an additional tax, a tax on bread, to the landlords—to the men who already levy a tax on bread, and who would never rest satisfied so long as any other men have anything they can call their own. The poor farmers! is their cant; such a piece of naked hypocrisy, as it is wonderful even they have the impudence to put forth. The cause, and the sole cause, of any undue pressure, which may be sustained by the farmers, is the extortion of too much rent. If the farmer's rent is proportioned, as it ought to be, to the price of the produce he raises, it is equal to him if the price is high or low; or rather he has an interest in low prices, as in that case he pays less in wages, and has thereby higher profits of stock.

Beside those objects which make stated calls upon the attention of the real reformers, detached incidents which should call them up are of perpetual occurrence. We may present as a specimen what happened the other night.

In the House of Commons, Wednesday, 4th March, 1835, Mr. Wakley asked Sir Robert Peel, if the inhabitants of St. Margaret's parish were to have the choice of their rector. Sir Robert replied by a couple of sneers; first asking, 'If Mr. Wakley meant the choice to be by ballot?' next observing, that 'the inhabitants of St. Margaret's parish would not be put to the trouble of choosing their rector, the Crown intending to save them from it.' This is the true style of old Tory insult; and

the House should mark it—the reformers, at least, should mark it; they may learn from it what will be the tone of the courteous baronet, if they allow him to settle himself in his saddle. 'If they do this in the green tree, what will they do in the dry?' Because a member of parliament asks a question relating to another subject, he is insulted by a disrespectful allusion to some opinion of his, which his insulter knows is distasteful to the crowd of those who hear him, and will echo the insult. The other expression, by which his Majesty's Prime Minister chose to proclaim his disrespect, at once to the author of the question, and the parishioners of St. Margaret's, must have been picked up in the purlieus of St. Giles's. 'Please to help me up with this burden,' says one. 'I won't give you the trouble,' says the other, with a grin, and passes on. The crown would not trouble the parishioners of St. Margaret's with the reception of a benefit! Not it, we will be bound for it. 'The crown will not give the parishioners the trouble of choosing their rector,' says Sir Robert; and with ten times the glee would he say, if he durst, 'The crown will not trouble the people of England with the choice of their representatives.' One thing, however, there is which the crown will not seek to save the parishioners of St. Margaret's from the trouble of. It will not save them from the trouble of paying this man whom they are not to choose. Such troubles as these the crown never thinks of saving such folks as parishioners from. The more of that sort of trouble they submit to, the better pleased the crown. All that is pleasant in these sort of matters, the crown, that is, the folks who act for themselves in the name of the crown—for the crown suffers by all such doings—are eager to save parishioners and such like rabble from the trouble of; all that is burdensome they liberally and generously place upon their shoulders.

Among the objects which require the attention of reformers, Education stands in one of the highest places; though it is never to be forgotten, that the operation of the political machine is that which has the greatest effect in forming the minds of men. We are not able to go into that subject here, because it is closely connected with the means adopted for the teaching of religion, which we have destined for the subject of a future article. We confess we despair wholly of seeing any beneficent plan of state education carried into effect, so long as we have a clergy on its present footing. There might be a clergy so happily circumstanced as to have an interest in good education, and then we should obtain that inestimable advantage. The clergy of the Church of England are so unhappily circumstanced, as to have a decided interest against it; and till their position is altered, a

good state-education is hopeless. We look with more expectation to the combinations of individuals; which will every day be more skilful and more energetic.

We point to colonies, as an object of attention to the genuine reformers, because the importance of the subject is seldom understood. We consider the English colonies as one grand cause of the oppression of the English people. It is not disputed, that of the distressing burdens they bear a great proportion is the work of the colonies: that a very small number of troops is required for the service of England and Scotland; that the army is rendered the most galling of our burdens, because misgovernment cannot be supported in Ireland but with the bayonet, and because every insignificant spot, called a colony, creates a pretext for a military establishment. It has been frequently said, but the evidence of it has not been sufficiently displayed and enforced, that no colony is other than hurtful to the mother country, which does not defray its own expenses. The proposition, indeed, is next to self-evident; for what does a country get by a colony, for which it is obliged to pay, and from which it receives nothing?

Let us, however, attend a little to the pretexts, by which the interested endeavour to hide this loss and burden from our eyes. They say, we have the monopoly of their trade. And both theory, and experience, prove, that it is of no advantage. How many times more valuable the free trade of the United States, than the forced trade was of the North American colonies? They say, also, that we have sunk capital in the colonies. Sunk it, indeed! Then let us follow the approved maxim of common life, not to throw good money after bad.

The value of capital consists in the annual return received from it. Suppose the capital of a colony to yield ten per cent. profit. If the expense of military and civil government exceeds the aggregate of that profit, the loss of the colony, and the capital along with it, would be a gain. But, again, why should we, the people of England, pay enormous sums to protect the gains of the colonists? We protect our own; why do not they the same? This doctrine needs only to be well preached, to be very operative in time, and then we shall have relief from a heavy load. There is not an outlying spot of ground subject to the crown of England, which is not a drain upon the people of England, with one only exception, India, where the East India Company has stood in the way of ministerial misrule and extravagance.

P. Q.

Art. II.

NEW SOUTH WALES.

An Historical and Statistical Account of New South Wales, both as a Penal Settlement and as a British Colony. By John Dunmore Lang, D.D., Senior Minister of the Scots Church, and Principal of the Australian College, Sydney, New South Wales. In 2 volumes. Cochrane and M'Crone. 1834.

IT has ever been considered a most interesting speculation, to inquire into the degree of perfectibility of human nature, and to ascertain the institutions by which a community can be rendered noblest and best. In the imaginary republic of Plato, the most excellent and beautiful citizens were to be selected, and united together; their offspring were to be trained in virtue, at public institutions, over which the sagest were to preside. Everything was calculated, according to the views of the philosopher, to produce virtue and excellency, to rear up a noble and generous race.

Those who are accustomed to regard every speculation merely with reference to its immediate practicability, and to confine their thoughts to the seeming advantage of the moment, have ridiculed the ideas of the Grecian sage; for they suppose that Plato intended his scheme to be matured, and his laws to be enacted. Not so. The object of the dialogue was, to investigate and lay down general principles,—to trace the model,—to develope the 'divine idea' of a community—with which, indeed, no human creation could correspond, but to which the philosopher thought all commonwealths ought to approximate as much as possible.

The philosophers, who ruled England towards the close of the last century, were men of comprehensive minds, and well versed in the speculations to which we have referred. They had carefully considered the perfections and imperfections of man. They deemed it impossible to select, and unite together the good and the perfect, to found an Utopia, and to determine the limit which human virtue could attain. But it appeared to them equally interesting to determine the other limit, beyond which human vice could not progress. They conceived the ideal of a community, in which each vicious passion should be fostered, each degrading and disgusting vice should be rendered common—in which the corruption of human kind should acquire its fullest development. They determined to embody this idea, and to make the experiment, the results of which are

detailed in the work, the title of which we have placed at the commencement of this article.

In order to prevent, as much as possible, the infusion of any good, the place selected for this community was the antipodes of England, on the shores of a then almost unknown, and quite unexplored continent.

It was not difficult to find appropriate citizens; for the commission of a crime was a ready and sure index of an individual possessing some, at least, of the requisite moral qualifications. The gaols were swept of their inmates; the burglars, thieves, felons, and prostitutes of England were sent to form the first colony of civilized beings on the coasts of Australia, and to be the parent stock of a mighty nation.

Those narrow and baneful prejudices, which so often delay and prevent the execution of a bold and vigorous conception, would certainly have impeded this design, perhaps have been fatal to it, if the projectors had disclosed their real intentions. Morality and humanity would have objected to such an experiment on the capabilities of human nature. Religion would have contended that the object of the legislature should be, to elevate, not to degrade the man; to render him the fit inhabitant of a better and more perfect state; not the apt companion of demons and fiends. The ingenuity is admirable with which these difficulties were avoided, without impairing the success of the experiment. The real object was carefully concealed; whilst the scheme was represented under a feigned aspect, as a means of punishing crime, and clearing the country of its criminal population. Thus the sanction of the legislature was obtained, and the nation was deceived.

In the colony, by the infliction of debasing and degrading punishments,—by enslaving some of the inhabitants,—by encouraging profligacy,—and by keeping the most abandoned in close communion and intercourse with each other,—the moral corruption of the community was ensured and extended. Yet, if it had been believed in England, that New South Wales was a disagreeable place of residence, crime would, perhaps, have diminished: the colony would have suffered from a want of emigrants, and of a constant supply of vice. Fortunately, however, the distance at which the punishment was inflicted,—the highly flattering accounts transmitted to England of the climate,—of the facility of obtaining emancipation and money, and of indulging in licentiousness and vice; the uncertainty of the punishment—which, according to the good or ill luck of the individual, was slight or severe, and in the generality of cases trifling;—each of these circumstances exaggerated, and

described in the most inviting manner, by the emigrants, tended to make a pleasing impression on the criminal population of England, and to induce them to regard transportation rather with hope than with fear,—as a means of acquiring wealth and landed possessions,—of obtaining rank and station in society,—and of passing the remainder of their days in the company of their former and favourite associates.

The history of the colony will show to what extent the result has corresponded with the wishes, which we have presumed to ascribe to the projectors.

Dr. Dunmore Lang is senior minister of the Scots church, and principal of the Australian College at Sydney. He arrived in the colony in the year 1821. His father and brother possessed landed property in New South Wales. His authority, with regard to the social and moral state of the colony, and to the condition of the convict, is good; for the information which he gives was obtained by personal observation during a series of years.

In January, 1789, the first fleet, under the command of Captain Phillip, arrived at Botany Bay, after a comparatively prosperous voyage. On board the vessels there were, originally, 600 male, and 250 female convicts, but forty died during the passage out. Botany Bay proved, in every way, unsuitable for a colony, as the land was infertile, and the harbour exposed to easterly winds. The settlement was transferred to Sydney. The colony was attacked by the scurvy: during the first month, twenty-eight of the convicts died; and, at the expiration of that period, sixty-six were under medical treatment, and two hundred were unable to work.

The governor, perceiving a 'tendency to profligacy' amongst his subjects, issued an address, wherein he 'strongly recommended marriage to the convicts, promising every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion.' It would have been rather difficult to have universally complied with the wish of the governor; for the number of men to women was in the ratio of three to one. However, the hope of meriting his good will caused fourteen marriages to be celebrated during the week in which this proclamation was made. The custom of a plurality of husbands or promiscuous intercourse began then to obtain generally, which was more in accordance with the sentiments of the colonists and the proportion of the sexes. The next year, 1790, the inhabitants were nearly starved to death, a store-ship being wrecked on its passage from England. A portion of the

settlement was sent to Norfolk Island, where it contrived to exist tolerably well on sea-birds. Those who remained at Sydney endured great privations, till the arrival of the second fleet, which brought an addition to the number of the citizens. One thousand six hundred and ninety-five male, and sixty-eight female convicts were put on board. This disproportion between the sexes rendered obedience to the marriage injunctions of Captain Phillip still more difficult. One hundred and ninety-four men and only four women died on the voyage, and from its effects, after their arrival, one hundred and fourteen men and two women. The survivors, it would seem, were half dead, or at least quite unfit for work when they landed.

A military corps, designated the New South Wales Corps, was raised in England for the service of the colony, a considerable portion of which arrived in the second fleet. This body played a prominent part in the early history of the colony from the following circumstances.

'The extraordinary fluctuations in the value of articles of domestic consumption, to which the colony was subject for many years after its original establishment, and the extraordinary profits that were not unfrequently realized on the investment of a small capital in mercantile speculation, afforded the officers of the New South Wales Corps both a temptation and an excuse for endeavouring to eke out their military income, which, in such circumstances, was often inadequate enough, by engaging, either directly or indirectly, in such speculations. The position, moreover, which they held for a considerable time in the colony, afforded them singular advantages in this respect; for as the king's stores contained whatever was supposed necessary for the comfortable subsistence of the settlement, there were ways and means of procuring from that source occasional supplies of useful articles at prime cost, which could afterwards be retailed at an enormous profit. The article then, and indeed ever since, in most frequent requisition throughout the colony, was rum; and in process of time it came to be established as a general rule, that there should be certain periodical issues of that article (as, for instance, on the arrival of a merchant-ship) to the officers of the corps, in quantities proportioned to the rank of each officer.'

The retail trade, in the meantime, was variously managed. Most of the non-commissioned officers of the corps had licenses to sell spirits; and in this manner the superfluous rum of the regiment was disposed of to the greatest advantage. The greater portion of the officers—

'Took female convicts of prepossessing appearance under their protection, and employed them occasionally in the retail-business. In so small a community as that of New South Wales, at the period in question, a liaison of this kind could scarcely be concealed. In fact, there

was no attempt at concealment: decency was outraged on all hands; and the prison population laughed at their superiors for outdoing them in open profligacy, and naturally followed their example!'

In the earlier times of the colony—

'A large proportion of the civil and military officers of the settlement were unmarried men, of loose principles and dissolute habits; who, setting at defiance the laws of God and the opinions of virtuous men, lived in a state of open and avowed profligacy, thereby setting an example which was but too generally followed by the convicts, and the demoralizing and debasing influence of which is still widely perceptible throughout the territory. For it is a lamentable fact in the history of New South Wales, that the progress of reformation, which, under a judicious system of management, and under the guidance of virtuous and philanthropic men, would have been rapid and general among the convicts, was checked at the very outset, and has ever since been counteracted at every step, by the vicious practice and the demoralizing example of a great proportion of the free inhabitants of the colony.'—pp. 65, 66.

The projectors of the colony seem to have succeeded admirably in finding, or at least in making, the free colonists suitable, in point of morality, to the purpose in view.

The early history of the country is the narrative of a series of struggles between the governor and the New South Wales Corps. Frequent attempts were made by the former to abridge the privileges of the latter, which were combated in the peculiar manner of the classes from whom the population of the colony was selected. The third governor, Captain King, found it necessary to prefer an accusation against one of the members of the corps. His intention to do so was made known. In order to free the individual from the charge, and to defend his character, 'his excellency's box was accordingly picked of its despatches before it left the colony, and when opened in Downing Street, it exhibited only a number of harmless old newspapers.' As a counterpoise to the corps, Governor King attempted to bring forward the emancipated convicts, and gain their good will.

'By what means could his Excellency have secured the attachment of that class of persons more effectually than by granting them licenses to sell rum? Such licenses were accordingly dispensed with a liberality and profusion above all praise; for even the chief constable of Sydney, whose business it was to repress irregularity, had a license to promote it, under his Excellency's hand, by the sale of rum and other ardent liquors; and although the chief gaoler was not exactly permitted to convert his Majesty's gaol into a grog-shop, he had a licensed house, in which he sold rum publicly on his own behalf, right opposite the gaol-door.

'A general dissolution of morals was the result of a state of things

so outrageously preposterous. Neither marrying nor giving in marriage was thought of in the colony; and as the arm of the civil power was withered under the blasting influence of the miserable system that prevailed, the police of the colony was wretchedly administered, and virtuous industry was neither encouraged nor protected. Bands of bush-rangers or runaway-convicts traversed the country in all directions, and, entering the houses of the defenceless settlers in open day, committed fearful atrocities.'

Captain Bligh, who is celebrated by the mutiny of the *Bounty*, commenced his government in 1804, and made himself so disagreeable to the New South Wales Corps, that they rebelled and sent him home. They were, in consequence, ordered to England. From 1809 to 1821, the colony was ruled by Governor Macquarie, who is said to have observed with regard to his subjects, 'That there were only two classes of individuals in New South Wales, those who had been convicted, and those who ought to have been.' He seems to have benevolently exerted himself in favour of the former, to have attempted to alleviate the pain of punishment, and to make the colony an agreeable place of residence for those who had been so unfortunate as to fall under the penalties of the law.

During this administration—

'The fact of being transported was regarded by government as an expiation of the crime of which the individual had been convicted in England; and the governor was eager, in every way, to advance the convict's interests by granting an early emancipation, by facilitating his acquisition of wealth, and by urging his admission into the best society whether civil or military.

'The consequences of this benevolent (but imprudent) course of action were soon developed. The convicts regarded themselves on a par with the free, and the class of emancipists sprung up into wealth and importance, who of course have taken great delight in making their good fortune known to their friends in England, and in dissipating, by their representations, any dread they might feel in being banished in the same manner with themselves*.'

Governor Macquarie gave to the convicts indiscriminately grants of land, the greatest number of which were immediately sold, generally for rum. The period of this government is considered to have been the flourishing era of the colony. Large sums of money were expended upon public buildings, and 'there was plenty of employment, plenty of money, and plenty of rum to be had at Sydney.'

Free emigration commenced in 1821, and produced a considerable change in the conduct of the inhabitants by the introduction of a more respectable class of individuals.

* Dispatch from Lieut.-Gov. Arthur to Viscount Goderich, dated 1833.

'Concubinage was gradually discountenanced in the higher circles of the colony, and of course gradually disappeared from the face of society; for although still practised by a few old offenders, the daily increasing array of well-ordered families, both among the free emigrant and the more reputable portion of the emancipist population, has in great measure driven that particular form of colonial profligacy into the shade.' However, 'despicable avarice, pitiful meanness, and the practice of downright injustice are by no means completely banished even yet from the genteelest circles in New South Wales: and I have sometimes been surprised to find how small a portion of honourable principle had gone to furnish out a stock-in-trade in the colony for honourable men.'

Great difference of opinion exists in this country with regard to the condition of the convict in the colony: by some writers he is described as a miserable being; by others as a most prosperous and happy one; transportation is consequently considered by some as a very severe, by others as a very slight, punishment. These apparent contradictions can easily be reconciled, and their origin can be traced to the following circumstances. Transportation is not, as it is generally supposed, the name for one species of punishment, but for a variety of species essentially distinct from each other, some of very slight, others of appalling magnitude. The legislature makes no distinction between the various species of transportation, and does not assign a particular kind for a certain set of crimes, or for a certain degree of aggravation. The judge, until lately, merely sentenced the criminal to be transported, and generally left his future lot to chance; in some cases he now sends directions, in consequence of which the convict, on his arrival in the colony, is placed in the penal settlements, in the chain-gangs, or to hard labour on the roads. All, however, that is distinctly declared and known is, that the offender is sentenced to transportation. Thus the spectators in the court of justice are induced into the error of believing that transportation is a fixed and determined species of punishment, and consider that those who give different accounts of the condition of the convict must necessarily contradict each other. The judge sometimes describes the horrors of transportation when he passes sentence. The convict writes to his friends a pleasing account of his obtaining a ticket of leave, a farm, plenty of rum, and of meeting his former associates; he exhorts his companions in crime to rejoin him in the delightful climate of New South Wales, and there to better their condition. Those whose education and rank in life place them beyond the influence of crime, attach implicit faith to the words of the judge; the criminal population, on the contrary, biased by their wishes, listen with

incredulity to assertions which the letters of their friends distinctly contradict; the judge appears to them merely to perform his daily and accustomed duty, when, in order to deter from crime, he misrepresents or exaggerates the evil of transportation; his authority is with them of no weight in comparison with the testimony of those who have experienced the punishment, and who have no assignable nor apparent motive to deceive. The majority of mankind are unacquainted with the condition of their fellow-beings even at the distance of a few miles from their residence; it would be strange, therefore, if they possessed more accurate knowledge of the antipodes. The suffering is not apparent; the accents of sorrow are not heard; a veil of mystery surrounds the subsequent fate of a great portion of the criminals; letters are rarely received except from the prosperous and happy; the unfortunate have neither the inclination nor the opportunity of describing their condition, or they indulge in the malicious satisfaction of denying their sufferings, and of scorning the efficacy of the laws. These circumstances appear to us to explain the fact that, whilst in parliament the evils of transportation are described as very great, little terror is produced amongst the criminals, their friends, and associates. Undoubtedly transportation is sometimes a severe punishment. This depends, however, upon the good or ill luck of the convict; upon circumstances over which he has no control, and which generally have no connexion whatsoever with his offence or his previous course of life. The convict, therefore, for whatsoever crime he is transported, (though he may be unfortunate in the lottery of evil,) may reasonably hope that his fate will be similar to that of the majority, which is by no means a disagreeable one.

When the convicts arrive in the colony, some are reserved for the service of the Government; some are sent to the penal settlements, and the majority are assigned as servants to the free colonists. According to the disposition of the master, the latter are treated with kindness or severity—enjoy the lot of a favoured domestic, or suffer the cruelest slavery. 'Idleness and insolence of expression, or even of looks, subjects him to the chain-gang or the triangle, or to hard labour on the roads.'*

'The condition of a convict in New South Wales depends greatly on the character of his master. It is in the power of the latter to render his yoke easy and his burden light; it is equally in his power, however, to make him superlatively miserable. In general, the lot of a convict in the colony is by no means a hard one; for the most part, he is better clothed, better fed, and better lodged, than three-fourths of the

* Correspondence of Lieutenant-Governor Arthur, with the Colonial Office.

labouring agricultural population of Great Britain and Ireland; while, at the same time, his labour is beyond all comparison much less oppressive. In a great many instances, indeed, the object of the convict evidently is to get as much, in the shape of allowances, and to do as little, in the shape of hard labour, as possible.

'The grand secret in the management of convict-servants is, to treat them with kindness, and at the same time with firmness—to speak to them always in a conciliating manner, and at the same time to keep them constantly employed; and it is nothing less than absolute blindness to his own interest, and a want of common sense amounting to downright infatuation, that can lead any master to treat them otherwise. It must be acknowledged, however, that such infatuation has prevailed in New South Wales to a lamentable extent, and has greatly retarded the advancement of the colony on the one hand, and occasioned much misery on the other.

'A free emigrant settler, who has perhaps been riding about the country for a fortnight, neglecting his own affairs and troubling his neighbours, returns to his farm, and finds that his convict-servants have been very idle during his absence. He talks to them on the subject, and his choler rises as he talks; and he curses and swears at them as if he had taken his degree at Billingsgate, instead of being a free-landed proprietor in his Majesty's colony of New South Wales. One of the convicts—a man who has perhaps seen better days—replies in no measured terms; and the master immediately exclaims, with the highest indignation, "You convict-scoundrel, do you speak to me at this rate?" and taking the overseer to witness that the man has spoken insolently to his master, he forthwith hies both overseer and man to the nearest magistrate, who perhaps resides ten miles off, and gallops after them himself an hour or two afterwards. On arriving at the magistrate's, the settler, who is a remarkably good Protestant, kisses the book, and swears that the man spoke to him insolently. The overseer, who is a staunch Roman Catholic, confirms his master's deposition by kissing the same book on the other side, on which the worthy magistrate—who knows that the Bible was sent him for kissing, and not for reading—has religiously pasted a bit of whitey-brown paper, cut with a pair of scissors in the form of a cross. When this *religious* ceremony has been gone through, the magistrate, assuming a very grave aspect, sentences the convict to receive twenty-five lashes for insolence to his master, and he is accordingly delivered over to the scourger of the district. In the mean time, the farm is deprived of the superintendence of the master, the exertions of the overseer, and the labour of the convict; while the other convicts, disheartened and disgusted at the obvious injustice with which their fellow-labourer has been treated, do just as little as possible.

'As soon as the man who has been flogged is fit for labour, he is ordered to the plough; but perceiving that a thick strong root crosses the furrow at a particular point, he contrives the next time the bullocks reach that point to run the plough right against the root, and snap it asunder. "You did it on purpose, you scoundrel!" says the infuriated

settler, who has indeed good reason to be angry, for the season for ploughing is perhaps nearly over, and two or three days must elapse before the plough can be repaired, as there is no blacksmith within fifteen miles. The man, to whose corrupt nature revenge is so delicious that he does not deny the charge, but who is perhaps the best ploughman on the farm, is accordingly hied off immediately to his worship again, and, after the same pious ceremony of kissing the calf's-skin binding of the desecrated book, and the whitey-brown paper-cross, has been re-acted, is sentenced to "three months" hard labour on the roads, to be returned to his master at the expiration of that period.

'The man returns accordingly, at the expiration of his sentence; but being addicted, as most convicts are, to the use of colonial tobacco, he allows a spark to fall from his tobacco-pipe, on his way to his labour, very near his master's largest wheat-stack, at a time when the latter happens to be off the farm; and in less than a quarter of an hour thereafter the stack is observed to be on fire. One would naturally suppose, that in such a case of emergency, all the men on the farm would immediately run to extinguish the flames. Such a supposition, however, would be very far from the truth. The convicts are so conscientious, forsooth, that they will not do any thing which their master has not particularly told them to do; and he has never told them to extinguish the flames when any of his stacks should accidentally catch fire. Besides, they have a task assigned them which they must not leave. In short, nothing gives them greater pleasure than to see their master's stack burning; for they know he must give them the regular ration, procure it where they may, or send them back to Government, in which case they will have a chance of being assigned to a better master. By and by, the master returns at full gallop, in time enough to see where his stack stood. He has reason to suspect that a conspiracy has been formed against him by his men; but, to save him the trouble of bringing any of them to justice, four of them immediately *take to the bush*—*i.e.*, become bush-rangers, subsisting on plunder. In a month or two thereafter, two of them are apprehended for robbing a settler's cart on the highway, and tried, and convicted, and condemned to death; and the wretched men assure the minister who may happen to visit them in the gaol, or attend them on the scaffold—(I have received such information in such circumstances myself when it was too late to falsify)—that it was the arbitrary and unfeeling conduct of their master alone that brought them to an untimely end.

'I may be told, perhaps, that this is a supposititious case, and that all of these circumstances have not occurred in any single instance. It is immaterial, however, whether they have or not, as I can testify right well where and when they have all occurred singly.

'Some settlers think it necessary, forsooth, to humble their convict-servants, and to make them fear them. An instance of this kind I have heard of in the colony with indignation and horror. A settler, requiring some office of a very disagreeable and offensive character to be performed about his premises, ordered one of his convict-servants to perform it, instead of adopting the much more efficacious mode of

offering him a small reward on his doing it—a piece of tobacco, for instance, or a little wine. The man had, perhaps, seen better days, and therefore, feeling indignant at being set to such an employment, flatly refused. The master coolly ordered him off to a magistrate, who sentenced him to receive either twenty-five or fifty lashes for disobedience. The man returned to his master, who gave him the same order a second time, which the man a second time refused to obey. He was again taken before the magistrate, and sentenced to be flogged as before; and it was not till this degrading and brutalizing operation had been repeated a third time, that the spirit of the miserable convict was sufficiently broken to allow him to obey the mandate of his relentless tyrant.'—pp. 12-16.

But although such cases occur, and although in such a community slavery might be expected to assume its most hideous forms, yet, says Lieutenant-Governor Arthur,

'Even with the general run of masters, whose wisdom and prudence I cannot commend, there can be no question but that the situation of the convict is greatly improved by being removed to a country where labour is scarce, and the labourer consequently in great request.'

It is important to observe that, according to the same authority, 'the master is bound, by government regulations, to see that the moral state is strictly adhered to.' We regret much that these regulations are not described; and we must confess our inability to imagine what they are.

From the small proportion of women to men, it might reasonably be expected that the former would be in still greater request, and their condition in the colony very comfortable.

'The system pursued in the colony, in regard to the distribution and assignment of female convicts, is somewhat similar to the one I have already described in regard to the other sex. When a female convict-ship arrives in the harbour, the circumstance is duly announced in the Government Gazette, and families requiring female servants are invited to make application according to a prescribed form. The applications are generally more numerous than the government can meet, and the females are assigned only to reputable families, according to the best judgment of the Board appointed for the purpose. Many of them make good servants, and in due time get well-married—chiefly to emancipated convicts, living either as agriculturists in the country, or in one or other of the various capacities in which the lower classes are employed in towns; the colonial government being always willing to grant permission for the marriage of a female-convict, provided she is either a spinster or a widow, and provided the intended husband is a freeman and able to maintain a family.'

With regard to the employment of the convicts by the government, Lieut.-Gen. Arthur asserts, that the Colonial Office has been misled in supposing that it was rather courted than

dreaded by the convicts. 'Certainly there are situations of comparative ease, such as constables, messengers, and so forth, in which service it is a necessary evil to employ convicts; but as to public works, except removal to the penal settlements, it is of all conditions that in which the convicts are exposed to the greatest hardship.'

Tickets of leave are exemptions from forced labour, and enable the holder of them to enjoy most of the privileges of freemen and to work for his own profit. They were granted to the convicts for good conduct, or for extraordinary services. The qualifications required for men, according to the government order, January 1, 1827, are the following:—

'Transports for seven years having served four years with one, or five years with two masters—Transports for fourteen years having served six years with one, eight years with two, or ten years with three masters—Transports for life having served eight years with one, ten years with two, and twelve years with three masters'

were eligible to hold tickets of leave.

A convict would obtain a ticket of leave if he brought to justice three receivers of stolen property. Six months were deducted from the period required for his qualification, if he apprehended runaways, bush-rangers, felons, or convicted a fellow-servant of robbing his master.

Tickets of leave were granted to women after the following periods of 'uninterrupted good conduct, in service, in the married state, or as monitress in the factory; a female under sentence for seven years, after two years; for fourteen years, after three years, and for life, after four years.'*

What obedient and submissive wives these ladies must be! They may be punished for the smallest offence to their husbands, and sent to prison in the female factory at Paramatta. Part of the punishment inflicted there is most terrible to a good-looking woman, and for the time completely destructive of her charms, for her head is immediately shaved.

The male convicts are punished for offences committed in the colony, by being employed on the roads, placed in the chain-gangs, or sent to the penal settlements.

'The convicts working in chains are men on whom every species of minor punishment has been inflicted in vain. They perform their labour in gangs by day, and are lodged in a hulk by night, constantly in double irons, varying in weight according to the nature of the offence or hardihood of the offender; they also sleep in fetters, their food is coarse and scant; but from being so totally kept from dissipation few

* Correspondence between the Governors of the Australian Provinces and the Colonial Office.

cases of sickness arise. Their work is incessant, and consists of breaking and wheeling stone for repairing roads.'*

The penal settlements are more dreaded by the convicts than the chain-gangs. They are military stations, where no free emigrants are allowed to settle. The convicts are obliged to labour incessantly, and are subjected to the most harassing vigilance. Criminals are now sentenced in England to be sent to the penal settlements, if their offences are very great or their moral character very bad: this punishment is inflicted according to the discretion of the judge; and, as it cannot be seen, cannot have much effect in deterring from crime. It is, indeed, a very severe and corroding punishment, the amount of which is quite unknown in this country. The convict is, therefore, completely ignorant of the pain which he is to suffer, until it is inflicted upon him in the penal settlement.

Such is the condition of the convict. In some cases the pain inflicted is appalling, but in the generality of cases the situation of a convict is improved, by being removed to a country where labour, especially skilled labour, is highly prized and in great demand; for the interest of the master generally induces him to stimulate his servant to exertion by good treatment; and each good-looking woman is certain of a husband, and of a ticket of leave, if she behaves well for three years.

Evil to the few as the source of terror to all, is the maxim upon which the theory of punishment ought to be grounded. The object of punishment is to form a motive sufficient to deter the calculating from crime by rendering it a bad calculation, and the uncalculating, by making a vivid impression on their imagination. Every portion of evil, inflicted as punishment, which does not produce either of these effects, is needless and cruel. In proportion as the conception of the punishment is vague, in proportion as the evil which attends it is believed to be uncertain, terror diminishes; for he who feels inclined to commit a crime will, like a gambler, hope that chance will favour him. Therefore, it is essentially important, that the conception of the evil consequences of the punishment should be precise: this result can only be obtained when the effects of the punishment are invariable and well-known. If our readers have attended to the description which we have given of the state of the convict, they will readily perceive how little transportation fulfils these conditions: for the lot of the convict is variable and unknown; the conception of the evil inflicted is indefinite; the idea of transportation is rather an agreeable one, for it is the idea of a change to a lovely climate, where labour

* Correspondence, &c.

is in demand and provisions are cheap, where wealth is to be acquired and former friends are to be met. It is now universally admitted that transportation is scarcely dreaded by the criminal population. This result is inevitable, as long as the convicts are assigned as servants; notwithstanding the clumsy attempt of the government to augment terror, by frightfully increasing pain through the tortures inflicted in the penal settlements, whence it is hoped some vague rumours of ill will gradually reach England and counterbalance the other favourable accounts of New South Wales.

Next in importance to the production of terror is the reformation of the criminal. In what manner transportation conduces to this object we have seen. Hideous, we have shown, is the moral condition of the convict, degraded by slavery, brutalised by the lash; each sentiment of shame and contrition obliterated by constant intercourse with the most abandoned; every angry feeling excited; labour (between which and crime is the sole choice of the liberated convict) is viewed as a punishment, and hated as the means wherewith evil is tyrannically inflicted.

Reckless indifference or disgusting ignorance can alone account for some of the arguments by which such a species of punishment is defended. First and foremost, it is contended that the colonists of New South Wales need the slave labour of the convicts; that the proprietors scattered over a wide district require servants to tend their herds and till their fields; that the Australians have acquired their possessions under the fixed expectation that England would send forth its criminals as labourers; and that to deprive the colonists of their slaves is to violate their sacred and vested rights, and to impair the prosperity of a flourishing portion of the British dominions. It is hardly to be believed, that even the most interested and unblushing would dare to advance arguments so absurd, in favour of any species of punishment, or defend its goodness, merely on account of its supplying the markets of Australia with slaves; yet such is the case: and men are found bold enough amongst the contaminated inhabitants of the colony thus to advocate their sinister interests.

Dr. Lang pleads in favour of transportation, that by means of it, England gets rid of its criminals at the cheapest possible rate. He calculates that fifteen pounds will cover the whole cost of the passage of the convict, maintenance, &c., to the Australian colonies; and he then asks, 'I should like to know how Archbishop Whately will contrive to get rid of them, in all probability for ever, at a cheaper rate.' If to get rid of them as cheaply as possible, and for ever, were the grand objects of

punishment, it is evident that hanging would be better than transportation, for the fee of the executioner, with rope included, seldom exceeds thirteen shillings and sixpence.

Dr. Lang overlooks the cost of the convicts subsequent to their arrival in the colony, and the expense of the military required to keep them in subjection.

	£.	s.	d.
In the miscellaneous estimates of 1831, the sum voted to defray the charge of maintenance for convicts in New South Wales and Van Diemen's Land	120,000	0	0
In the miscellaneous estimates for Civil Establishment in New South Wales	12,231	0	0*
Payments from 1832 to 1833 out of the ordinary Army Estimates { N. S. Wales / V. D. Land }	83,448	3	7
Ditto of the Extraordinaries of the Army, ditto	52,961	8	10†
	£278,640	12	5

This sum of money is annually paid out of English taxes for the maintenance and superintendence of the convict after his arrival in the colonies: in addition to which, there is the maintenance of the convict previous to his departure, his clothing, besides Dr. Lang's fifteen pounds for his passage, &c.

	£.	s.	d.
Sums voted in miscellaneous estimates, from the year 1800 to 1831, for the maintenance, &c. of convicts in the colonies	2,385,394	0	0
Ditto, for Civil Establishment	597,260	0	0‡
Suppose the military expenses to have been, on the average of the whole period, only one-half of those for the year 1832, or 70,000*l.*, this for thirty-one years would be	2,170,000	0	0
Cost to England, from 1800 to 1831	£5,152,654	0	0

The revenue of the colony of New South Wales in 1832 amounted to 135,000*l.* This sum is expended in salaries to the governor, &c., in support of the judicial establishment, and in various other strictly colonial expenses, and would probably cover the whole expenditure of the colony if the convict establishment were removed. Transportation is, therefore, far from being so cheap a punishment as Dr. Lang thinks; and we have little hesitation in expressing our belief, that the Penitentiary system would be found cheaper; for the whole expense of our mismanaged gaols and houses of correction did not, in 1824, exceed 237,000*l.* (this, however, has probably much increased.)

* Marshall's Digest of Information.

† From an abstract of the Commissaries' Accounts, printed by order of the House of Commons, 1834.

‡ Marshall's Digest of Information.

The capabilities of the country are great. Port Jackson is one of the finest harbours in the world.

'The capital of the colony, and the seat of the colonial government, is Sydney. The town of Sydney is beautifully situated on Sydney Cove, one of the numerous and romantic inlets of Port Jackson, about seven miles from the entrance of the harbour. The Heads of Port Jackson, or the headlands at the mouth of the harbour, constitute one of the grandest and most interesting features in the natural scenery of the country. To a person approaching the land from the eastward, the coast presents an apparently unbroken line of lofty, precipitous, sandstone-cliffs, along the base of which the big waves of the vast Pacific Ocean dash fearfully when the wind blows strongly from the eastward; causing dense volumes of spray and whitish vapour to ascend to the summits of the highest cliffs all along the coast. The entrance is designated, at a great distance at sea, by the light-house, or Macquarie tower,—a circular building of cut stone, surmounted by a lantern with a revolving light on the South Head—but no opening of any kind can be perceived till you come close in with the land. At a small distance from the Heads, however, an opening is at length perceived in the iron-bound coast; and the idea you immediately and unavoidably form of it is, that the cliffs on either side have been violently rent asunder by some mighty convulsion of nature, to afford a passage for vessels into some place of security:—

> Hinc atque hinc vastæ rupes, geminique minantur
> In cœlum scopuli, quorum sub vertice late
> Æquora tuta silent.—VIRG.

'The entrance at the Heads is about a mile and three-quarters wide; but the height of the cliffs and the idea of boundlessness which the ocean scenery has previously impressed upon the mind make it appear much narrower. On getting round Middle Head, a point of land stretching out from the southern side of the harbour, and completely concealing the opening from the eye of an observer at a few miles' distance at sea, the scene surpasses description. You immediately find yourself on the bosom of a large lake, extending to a great distance in a westerly direction, with innumerable coves or inlets stretching inland to the right and left; some presenting sandy beaches and grassy lawns, others lined with a barrier of grey rocks cast in the most fantastic moulds, and surmounted in all directions with outlandish but most beautiful shrubbery.'

The climate is delightful.

'For eight months during the year, viz., from the 1st of March to the 1st of November, the climate of New South Wales—which, throughout the whole year, indeed, is at least equal, if not superior, to that of any other country on the face of the globe—is peculiarly delightful. The sky is seldom clouded; and day after day, for whole weeks together, the sun looks down in unveiled beauty from the northern heavens. In ordinary seasons, refreshing showers are not unfrequent; but although there are no periodical rains in the colony, as in the torrid zone, it some-

times rains as heavily as it does within the tropics. It seldom freezes in Sydney, and never snows; but fires are requisite during the day in the winter months, and for a considerable time longer in the mornings and evenings.

'The Australian summer extends from the 1st of November to the 1st of March. During this period the heat is considerable, but very rarely oppressive, the thermometer seldom rising higher than 75° of Fahrenheit. There is generally a sea-breeze during the day in the summer months, commencing about ten o'clock in the forenoon, and dying away about four in the afternoon. This breeze, which usually blows pretty fresh, and the immediate vicinity of the ocean, have so powerful an influence on the temperature of the coast, that it is generally ten degrees hotter at Parramatta during the summer months, and ten degrees colder in winter, than it is in Sydney. But although it is occasionally hotter in summer than the average temperature I have just mentioned, the mornings and evenings are uniformly delightfully cool.'

The following description of the country is interesting.

'With the exception of the large open plains which occasionally occur in the interior of the country, and which, like the plain of Bathurst, are naturally destitute of timber, the territory of New South Wales is, in its natural state, one vast interminable forest. In many parts of the colony, and especially in the interior, the land is but thinly timbered; there being not more than three or four trees of moderate height and of rather interesting appearance to the acre. In such places, the country resembles the park scenery around a nobleman's seat in England, and you gallop along with a feeling of indescribable pleasure. In general, however, the forest-land is more thickly timbered—sufficiently so to form an agreeable shade in a hot Australian summer-day, without preventing the traveller from proceeding in any direction at a rapid trot or canter. On the banks of rivers, and especially on the alluvial land within the reach of their inundations, the forest becomes what the colonists call a *thick brush* or jungle. Immense trees of the genus *eucalyptus* tower upwards in every direction to a height of one hundred and fifty to two hundred feet, while the elegant cedar, and the rose-wood of inferior elevation, and innumerable wild vines or parasitical plants, fill up the interstices. In sterile regions, however, on rocky mountain-tracts, or on sandy plains, the forest degenerates into a miserable *scrub*, as the colonists term it; the trees are stunted in their growth, and of most forbidding aspect, the fruit they bear being literally pieces of hard wood similar in appearance to a pear, and their shapeless trunks being not unfrequently blackened from the action of fire. In such regions, the more social animals of the country entirely disappear. The agile kangaroo is no longer seen bounding across the footpath, nor the gaily-plumaged parroquet heard chattering among the branches. If any thing with the breath of life is visible at all, it is either the timid gray lizard hiding itself in the crevices of the rocks, or the solitary black snake stretched at full length on the white sand, or the busy ant rearing his slender pyramid of yellowish clay.

'There is a much greater extent of forest than of alluvial land in a

state of cultivation throughout the colony; and, what is exceedingly anomalous, the best land is in many instances on the sides and summits of the hills. Heavily timbered land intended for cultivation is cleared in the following manner. The underwood, which occurs only on alluvial land, is all cut down in the first instance in the proper season, the bushes either falling to the ground or remaining attached by their upper branches to the standing timber. When the fallen underwood is sufficiently withered, all the standing trees that are required for building, fencing, &c., are cut down and rolled out of the forest, after their branches have been lopped off, to the nearest cleared land, or to saw-pits formed in the vicinity, where they are cut up for whatever purposes they are required. This species of labour, I mean the sawing of timber, is generally performed by free sawyers who work for hire, at so much per hundred feet, and receive part of their earnings in rations from the proprietor of the farm. The remaining timber is then cut down (I allude exclusively to the practice on large farms) by a party of eight or ten convict-labourers, under the charge of a free overseer, who works along with them, and who receives a salary, in addition to his rations, from the owner of the land. The overseer, on well regulated farms, is generally a ticket-of-leave man or emancipated convict, who has been an assigned servant or common labourer on the farm, or in its immediate neighbourhood during his term of bondage, and receives a salary of 15*l.* to 25*l.* per annum.

'The trees are cut down at about three feet from the ground, and, in clearing heavily timbered land, the usual practice of skilful fellers is to cut a number of smaller trees half through, and then selecting a large or master tree, to form a deep indentation with an axe in the side of it nearest the small ones, and then to saw towards the indentation from the opposite side. When nearly sawn through, the large trees falls towards the side on which the indentation has been formed, and bears down before it perhaps twenty or thirty smaller trees. When all the trees on the piece of land to be cleared are felled in this way, they are sawn into proper lengths, rolled together and burnt. This operation generally takes place, in the case of alluvial land, immediately before the time for the planting of maize or Indian corn, viz. in the months of September and October.

'The cost of clearing heavily timbered alluvial land is about 5*l.* an acre; but a single crop of maize sometimes covers the expense.'

The cultivatin of land on a large scale is generally unprofitable in New South Wales. Dr. Lang advises the proprietor of an estate to invest his capital in cattle and sheep.

'Sheep-farming, however, constitutes the principal dependence of the Australian landholder. If the country consists of open plains destitute of timber, as many as a thousand sheep are intrusted to a single shepherd; if it is moderately wooded, there is a shepherd for every flock of three hundred and fifty. The sheep are folded every night in a pen, or fold, constructed of moveable hurdles; and the shepherd, attended by his dogs, sleeps in a small moveable covered berth, constructed on a

frame somewhat like a hand-barrow, outside the fold; the sheep being sometimes attacked during the night by the native dog of the colony. The lambing season is in some instances at the commencement of winter; in others at the commencement of summer. The sheep-shearing uniformly takes place at the latter season; each fleece, of animals of improved breed, averaging, I believe, from two to two and a half pounds. The wool is packed in bales wrapped in canvass, and forwarded for exportation to Sydney on drays drawn by oxen. Some of the more extensive sheep-farmers send home their wool direct to their agents in London, where it is sold according to its quality at from one to three shillings (the freight to London being only three halfpence) a pound. It is generally, however, either bought or received for consignment by merchants in Sydney, some of whom employ wool-sorters of their own to assort and repack it for the London market. A magistrate of the territory, whose wool produces him considerably upwards of 500*l*. a-year, told me lately, that there are gentlemen in the colony who already derive an income of from 1500*l*. to 2000*l*. a-year from their wool alone, independently of the annual increase of their flocks; but a few estates yield a still higher income.

'Cattle of good breeds may now be purchased in New South Wales at from twenty to thirty shillings a-head; sheep of improved breeds at fifteen shillings; and horses, either for draught or for the saddle, at from 10*l*. to 30*l*. A large tract of land may thus be stocked with a comparatively small amount of capital; and when the settler's own land begins to be overstocked, which will very soon be the case, he has only to send a portion of his flocks and herds, under the charge of an overseer and a few shepherds, or stockmen, into the interior, where he will obtain a lease of as much pasture land as he requires from government at a mere nominal rental.'

The quantity of wool exported in 1832 was 1,515,156 lbs.; the estimated value of which, at the rate of 11½*d*. per lb., was 73,559*l*.

Tobacco, olives, hops, the castor oil tree, have all been cultivated successfully in New South Wales. There are several productive orangeries; the fig and the peach now abound everywhere. So suitable is the climate to these delicious fruits, that if a peach stone be thrown into the ground in a favourable situation, abundance of fruit may be collected at the expiration of the third or fourth year. The vine has only been cultivated to any extent within the last three or four years.

The most important branch of the trade of New South Wales, at the present moment, is the sperm and black whale fishery, in which forty-five to fifty vessels of various tonnage are now employed from Sydney. The black whale is said to be of the same species as that which is caught in the Greenland seas. The sperm-whale fishery is by far the more important of the two. These animals frequent every part of the

western Pacific, from the Heads of Port Jackson to the sea of Japan; they are gregarious, and are found generally in large herds or shoals—sometimes, according to Dr. Lang, to the number of five hundred together. In 1832, the value of the oil and whalebone exported to London was 146,018*l*. In most of the colonial whalers, New Zealanders, Tahitians, and natives of the Friendly Islands, are employed as sailors—an occupation for which they seem peculiarly fitted, and of which, from their insular position, they are naturally fond.

It is known, that the globe has been divided by naturalists into several regions, inhabited by entirely distinct animals and plants. Australia is one of these.

'On comparing New Holland with Europe, Mr. Brown ascertained that, out of four thousand one hundred species of plants discovered in Australia, there were only one hundred and six common to Europe; and of this small number there are some which may have been transported thither by man.'—*Lyell's Geology*, vol. ii. p. 69.

'Australia is almost exclusively occupied by kangaroos and other tribes of marsupial or pouched animals. This is a most singular and characteristic assemblage of mammiferous animals, consisting of more than forty species, of which no congeners even occur elsewhere, with the exception of a few American opossums.'—*Ib.* p. 89.

The birds and reptiles are equally distinct from those of other countries.

The aborigines are the lowest in the scale of human kind. They belong to the race of the oceanic negro, or Papua, who were probably the original inhabitants of the various islands of the Indian seas, from the coasts of which they have been successively driven by the more recent colonists of the Malay race: they still, however, occupy the mountains and highest parts of some of the islands, and retain, along with the Europeans, exclusive possession of Australia and Van Diemen's Land. There is, however, a distinction between the natives of Australia and Van Diemen's Land: for the former have long or curly hair; in the latter it is woolly. Puny stature and feeble frames; the facial angle very obtuse; members disproportioned to the rest of the body; the extremities of the limbs weak, slender, and without muscle; the belly large and projecting; the colour approaching, and in some cases equalling, the blackness of the negro, are the marks of this peculiar variety of the human race. Their dispositions are cruel and ferocious; each tribe almost has a distinct jargon. Without laws, without the slightest knowledge of agriculture, or of the use of metals,—without clothes,—without arts of any kind,—without any assured means of subsistence, they are obliged to

seek their food in the forests, or on the coasts of the ocean. Nature has not been bountiful in affording the means of existence in Australia. The vegetable kingdom hardly supplies anything. There is not an eatable fruit which exceeds the size of a cherry; and the only nutritive roots which are known are those of the fern and some bulbs. The only large animals are the emu and the kangaroo, both of which are now becoming rare, from the constant destruction of them by hunting. Fishing, indeed, might afford more abundant and more constant supplies. But the rudeness of the instruments, and of the manner of fishing practised by the natives, frequently render this resource insufficient: during the winter months, on Van Diemen's Land; during the storms which are frequent on the coast of New Holland; and from the emigration of the fish, this last means of support sometimes fails, and famine rages dreadfully. The natives are then reduced to such a state of meagreness, that they seem like so many skeletons, and ready to fall down from inanition. The condition of the natives in the interior is, if possible, still worse. They make constant war on the frogs, lizards, serpents, and various kind of grubs, particularly a large species which is found around the branches of the Eucalyptus. Even spiders form part of their disgusting repasts: in some cases these miserable hordes are obliged to live upon certain herbs, to gnaw the bark of particular trees, and even to make use of a paste, composed of ants and their larvæ, mixed with the pounded roots of the fern. Nothing but the most hideous famine could have suggested the idea of such a food.

On the arrival of the first fleet, the number of aborigines inhabiting the shores of Port Jackson was very considerable. Soon after the establishment of the colony, a disease similar to the small-pox destroyed a considerable portion of them. The occupation of the country by the Europeans diminished the supplies of game, and produced feelings of animosity, which were augmented by the positive aggressions of the convicts, and thus led

'not unfrequently, in the earlier years of the colony, to the desultory and abortive, but murderous, efforts of savage warfare. Commandoes,* as they are called by the Dutch colonists of South Africa (for I am happy to think that the English language does not afford a word expressive of the idea), were of course fitted out against the wretched aborigines; and many of their number, I believe often with but little necessity, fell before the bullets of the military. There is black

* Murderous expeditions against the aborigines of a country forcibly taken possession of by Europeans.

blood at this moment on the hands of individuals of good repute in the colony of New South Wales, of which all the waters of New Holland would be insufficient to wash out the deep and indelible stains! But the vicious example of the convict population of the colony has already done much more to extinguish the miserable remnant of this degraded race, in all the more populous districts of the territory, than could have been effected, in a much longer series of years, by the united agency of war and famine and pestilential disease!

'It seems, indeed, to be a general appointment of Divine Providence, that the Indian wigwam of North America, and the miserable bark-hut of the aborigines of New Holland, should be utterly swept away by the flood-tide of European colonization; or, in other words, that races of uncivilized men should gradually disappear before the progress of civilization, in those countries that have been taken possession of by Europeans.'—p. 38.

We have placed before our readers a brief account of the actual state of the colony of New South Wales and its extraordinary population. We trust that the period will soon arrive in which it will cease to be the receptacle of our criminals. The acknowledged defects of transportation as a punishment, the gradually increasing admiration for the Penitentiary system of some of the American states, and the diffusion of knowledge with regard to secondary punishments, will contribute to dispel the prejudices in favour of this pernicious system, which Dr. Lang, with strange inconsistency, considers to have been

'the most interesting and the noblest experiment that had ever been made on the capabilities of man. If (says he) there is joy in heaven among the angels of God over every one sinner that repenteth, we may well conceive the deep interest which superior intelligences would naturally feel at the establishment of the penal colony on the coast of New Holland—all insignificant and contemptible as it might appear to the great majority of mankind—and the loud burst of joy with which they would have hailed the tidings of its ultimate success.'

We are inclined to think that there was more joy in the kingdom of Satan, and louder expressions of glee.

Neither the interested appeals of the slaveholders of New South Wales, nor the mawkish nonsense of the Presbyterian Divine, will produce the belief that terror depends upon the uncertainty of the punishment, and that reformation is best produced by herding criminals together. The penal settlements of the colony are disapproved of by the colonists as depriving them of labourers; but they are now cited by Lieutenant-Governor Arthur, and praised by the Colonial Office, as the means of rendering transportation efficacious. They are, as we have described, isolated establishments, wherein it is

attempted, by the unsparing application of the lash, by the weight of the chain, and the severity of the labour, to force the criminal to repent, and to find pleasure in toil. If these defects were to be remedied, and the penal settlements were to become perfect penitentiaries, yet they would not afford the slightest argument in favour of transportation. Extraordinary is the confusion of the ideas of those who object to the Penitentiary system in England, yet defend transportation because a species of penitentiary is established in New South Wales: who acknowledge, as Lord Stanley did, in his correspondence with Lieutenant-Governor Arthur, the impropriety of the system of assignment, yet persevere in sending criminals as slaves to Australia; who object to the expense of the American system, and establish a still more expensive one in New South Wales. These are the inconsistencies into which men must fall, who would rather patch up a system, and endeavour by every contrivance to render adherence to it possible for a short time longer, than acknowledge its inherent defects, and resolutely abandon it.

By the abolition of transportation, New South Wales will be left to its own natural resources. Its augmenting prosperity will probably be checked, for it will suffer from the dearth of labour, and from the want of the market, which is created by the convict system. Respectable persons will continue unwilling to emigrate to a community where the state of morals is so depraved. However, with the lapse of time, the convict population will become extinct, and the statistics of New South Wales will cease to exhibit the following details:—

Population of New South Wales in 1831 consisted of

Convicts	15,668
Free	20,930
	36,598

Of these—Men, 27,611; Women 8,987.

The number of persons in gaol for crimes during the year 1831 were

Men	6,737
Women	1,676
Total . . .	8,413*

B. L.

* From Marshall's Digest of Parliamentary Papers.

Art. III.

MUNICIPAL CORPORATION REFORM.

OF the many reforms which the people of England at this time are endeavouring to attain, perhaps the most important is the long-contemplated Municipal Corporation Reform. That under the late ministers we should have had a complete and thoroughly efficient measure, we see much reason to doubt; that there will be no approach to such efficiency under the present advisers of his Majesty, we feel absolutely certain. It is well, however, under all circumstances, that the people should understand the nature and the extent of the reforms needed; should know the ends which they should endeavour to attain, and the principles which ought to guide them while devising the means. In order to further this desirable object, the present paper has been written.

Let us, in the first place, learn what is meant by a municipal corporation.

Although so much of every man's interests as are common to the nation at large, of which he forms a part, are placed under the immediate supervision of the general government, still by far the larger portion of his interests are allowed to remain under his own private control and management. In the same way, and on the same principle, that a man is allowed thus to rule his private affairs, so is a neighbourhood or town sometimes allowed to direct and watch over its local and peculiar interests. A private man is deemed the best judge of his own affairs: it is believed that he is likely to know most about them, and it is certain that the motive carefully to superintend them is greater with him than any one else. So of the particular neighbourhood, as distinguished from the remaining community. The inhabitants have peculiar interests, about which they are more intently concerned than any other persons can be;—they are better acquainted with local peculiarities, and are moreover in a better condition than others, from their mere proximity to the things concerned, to watch over and control them. These are the circumstances which now justify the existence of what is called a Municipal Corporation—which is, in fact, nothing more than a body of persons possessing power to regulate within prescribed limits, and under the sovereign control of the general government, certain matters, which interest in common the inhabitants of a given neighbourhood—say, for example, some particular town.

It is unnecessary here to dwell upon the history of our own

corporations, or those of Europe generally. Whatever were the circumstances which gave rise to the municipia of ancient, or the corporations of more modern times, the convenience of local governments, as above explained, alone justifies, in the present condition of this country, the existence of these petty jurisdictions. Their olden form will doubtless influence the changes which may hereafter be made; but this influence will, for the most part, be mischievous. Antiquated rules, and foolish customs sanctioned by time, though opposed by reason, will often prove stumbling-blocks to the reformer of municipal corporations, if he attempt to remodel the many various systems of corporate government which now exist in England. One uniform system ought to be established, framed with reference to the present condition of the people; and to do this, the whole mass of ancient rubbish should be completely swept away.

There are two distinct inquiries to be made respecting municipal governments, which it behoves us to keep separate one from the other. The first relates to the extent of jurisdiction to be conferred on the corporate governments; the second relates to the mode or fashion in which these governments are to be framed. We shall now pursue this two-fold inquiry:—

1. Extent of jurisdiction has reference, first, to the territory over which the government is to be exercised; and secondly, to the matters coming under the cognizance of the government. In other words, we shall have to determine what shall be the territorial limits of each corporate government; and what are those local matters, which shall be confided to their separate especial guardianship.

The evil effects of the old system will be seen in no case more plainly, than when the territorial extent of each corporation comes to be determined. A perfect system would require that the whole country, without reference to existing local divisions, should be carefully separated into *corporate districts*. These districts would not merely include the limits of a town, but would, in fact, also each comprise a part of the country. At the present moment, the limits of a corporation are often confined to a portion—and not seldom, a very small portion—of the town of which it is supposed to be the government; and this, because when the corporation was first established the town did not extend beyond the narrow precinct of the existing jurisdiction. This precinct remaining the same, and the town increasing, we have the strange anomaly of the inhabitant of one house being subject to the town magistrates, a few yards off, while his neighbour of the next house, not being within the corporation bounds,

is amenable to the county magistrate; and if an offence be committed a yard beyond these bounds, it must be tried oftentimes thirty or forty miles off. But, as we have said, in a good system, not only the whole town would be included within the corporation limits, but the county also. The mode in which this would be done may be best explained by an example. The writer of this paper chooses a county with which he happens to be most familiar for his illustration:—

In the county of Somerset there are four towns corporate (excluding Bristol)—viz. Bath, Wells, Bridgewater, and Taunton. Now, without reference to any portion of the surrounding counties, we shall speak only of the territory included within the limits of the county of Somerset. At present, in all these towns, the limits of their corporations are confined to a portion only of the towns themselves. In Bath, for example, the corporation limits of the borough are not one-half the extent of the parliamentary limits: so that more than one-half of the inhabitants are not subject to the control of the borough magistrates. Now, as we conceive, a good system would not merely stretch the corporation limits to what are now those of the parliamentary borough, but would also extend them, so that a large part of the county of Somerset would be included therein. The limits of Wells would touch those of Bath, Bridgewater those of Wells, and Taunton those of Bridgewater: thus absorbing the whole county of Somerset. In other words, the country parts would be aggregated to the town jurisdictions, and the county jurisdictions be wholly abolished. To this state of things, we feel assured, the country will eventually come, and that too at no very distant date; but that it will at once be adopted we cannot hope. The utmost that will be done at first will be to extend the corporate jurisdiction, so that it may include the whole town in which it is situate. The great benefit, however, of the suggestion here made, of aggregating the country parts to the town jurisdictions, will be more fully understood when we have explained the next branch of the subject—viz. the matters to come under the control of the corporate government.

These matters, under the present system, range themselves under three heads—1. JUDICIAL; 2. ADMINISTRATIVE; and 3. LEGISLATIVE. Our present concern is with the *extent* of these three; in other words, what portions of each should be confided to the municipal governments; and first, as respects the

Judicial Powers.—In a country where the judicial system deserved any respect as a system, no part of it would be connected with corporation government; and if we could hope that our own system of judicature was about to receive any extensive

improvement, we should at once advise that all judicial powers should be withdrawn from the corporate magistrates. The administration of justice should be a thing apart—confided to those who have no other concern; and a system of responsibility, and checks should be adopted, differing from those required for the mere administration of the corporate affairs. To us it appears certain, that no really efficient reform in this matter will be effected till we have a minister of justice, responsible for the choice and the conduct of the judges—which judges should also be amenable to the people, and removable by them. But as this contemplates a change in the habits, feelings, and modes of thinking among the English, greater than can be expected to take place at once, we must be content to forego such a plan for the present, and to attempt the devising of means which will best effect the end in view, in the existing condition of the public mind.

We defer till the second branch of our inquiry any discussion of the mode of selecting the corporation judges; our present business being with the extent of jurisdiction which might properly be confided to them.

If the plan above suggested were adopted—of aggregating parts of the country to every corporation—immense benefit would be derived from extending the jurisdiction of the corporation judges, so as to make it include every matter now cognizable by the courts of common law, civil as well as criminal, with appeal to a Central Court in London.* We know the host of objections that would rise up against such a plan, but we feel assured that the objections would be those suggested by narrow, and not general interests;—that although evil might fall upon a small number of individuals, who thrive upon the vices of the existing system, yet benefit to an almost unlimited extent would result to the public.

Assuming, for the moment, that such measures would be adopted as should be requisite to the attainment of a competent tribunal, let us endeavour to learn what would then be the position of the people, as regarded the administration of justice generally under the plan we propose.

* In many of the old corporations, courts of very wide jurisdiction were created by the charters: so that the principle here advocated is not a new one. Queen Elizabeth, by charter, created a court in Bath, and the following is the recital of the matters to be judged:—This court 'shall have cognizance of all, and all manner of, pleas and writs of debts, accounts, trespasses, covenants, trespasses on the case, deceipts and detaining of chattels, or of all other pleas, matters, causes, suits, quarrels, demands, contracts, and personal actions whatever, happening or arising, or which hereafter shall arise or happen within the said city, &c.' You have here a court nearly cognizant of every thing cognizable on the civil side of the common law-courts.

In the first place, it is evident that the districts, being much smaller than the present judicial divisions, much less expense would be incurred by suitors than at present;—it is also equally apparent, that the tribunals would be constantly sitting, and thus, in the language of Bentham, much delay, vexation, and expense would be avoided. At present, the circuits in the county of Somerset are only twice a year, and the quarter-sessions four times; and these are held alternately at Wells, Bridgewater, and Taunton. From one end of the county to the other is something beyond sixty miles; and suitors, and witnesses, and criminals are thus dragged about the country, at a vast expense of money, patience, and comfort. On the plan proposed, none of these evils would arise: the tribunal would be near—it would sit perpetually; and no possible mischief could result from a plan so simple, and yet so efficient.

It may, however, be said, and will be said, that the tribunals could not be made so efficient as the present. While dealing in generals, much more can be easily and safely asserted than when we descend to particulars. Let us look more closely into the existing state of things. Dividing the business of the courts into criminal and civil, it will be found that, in criminal matters, the justices at quarter-sessions practically adjudicate on every offence except such as necessarily involve the life of the party: they award every punishment less than death and transportation for life. The justices of the corporations are justices of the peace, and try all offences against the police of their towns. Besides this, there are generally local Acts of Parliament, creating petty jurisdictions; and in many cases, the recorders try for petty offences. Now, does any one mean to say that these several tribunals are what we, in the present state of our knowledge and advancement, should, as a nation, deem competent? Are the country gentlemen who preside at quarter-sessions, in any person's judgment, deemed capable of fulfilling the duties of the difficult part they have assumed? Are the magistrates of boroughs one whit better? Neither the one class nor the other have received any specific instruction, in order that they may be fitted for their duties: they know nothing of law, and are judges by inspiration. If it be said, that the matters on which they decide are far less important, and far less intricate, than those which we propose to submit to the judges of the corporation districts, we at once deny the truth of the assertion: for first, as respects intricacy—What, we ask, can be more intricate than the questions of parish law, on which the justices at quarter-sessions have so long adjudicated? Any one who has ever opened a Report knows that the cases re-

specting the various questions under the poor-laws are usually far more nice and complicated than the ordinary matters brought under the notice of the courts. It may also be remarked, that the points of law arising in a dispute for five pounds are precisely the same as those which arise in a case of five thousand, the intricacy and difficulty of a case never in any way depending upon the amount of the sum in dispute. So that the judge who decides what are deemed petty and trifling cases should, in order that he administer justice, be as highly educated as he who determines respecting thousands. Next, as to importance. Small cases are precisely those which ought, in the legislator's eyes, to appear most important. We cannot measure the influence of a case upon the well-being of the parties disputing by the sum in dispute. The result of a suit for a thousand pounds may be a matter of trifling consideration both to the plaintiff and defendant; while in the case which should follow it, involving only five pounds, the result may be utter ruin to the loser. Again: in criminal cases, the justices at quarter-sessions transport for fourteen years; and borough magistrates imprison and flog. Are these not important results? Is it nothing to be sent from one's country into perpetual* banishment, and condemned to hard labour? The extraordinary anxiety shown by our legislators respecting the adjudication of the disputes of the rich on money matters, compared with their reckless indifference as to what sort of justice may be meted out to the poor, plainly proves from what class our legislators are selected, and with whose feelings they are accustomed to sympathize.

What we now propose, is a vast improvement upon the existing system. In place of the borough magistrates, as now constituted—in place also of a petty judge acting with commissioners in small causes under local acts—and also, in place of country justices at quarter-sessions—we should propose to have the recorder of the corporation a magistrate constantly at his post, composing by himself the court of the district, competent to try all matters cognizable by the courts of common law, and all offences now tried by the corporation magistrates and the justices in quarter-sessions.

We frankly confess, however, that, with a legislature like ours, we have no hope of attaining this end;—that is, we do not expect that the country gentlemen will be content to forego their magisterial doings, or that the lawyers of Westminster Hall will suffer such a destruction of their business as would

* Transportation for fourteen years may in most cases be considered transportation for life.

necessarily follow the plan here proposed. But though all cannot be gained, a large part may;—although we may not be able at first to obtain for the corporation judge jurisdiction over the country parts adjacent, still it may not be impossible to make an efficient court within the limits of the borough, or corporation. The recorder now is, in many places, a mere nominal officer; in others, he really does adjudicate the matters within his jurisdiction; but this is done only a few times in the year. He is usually in these cases a barrister, practising in London, and running down for a few days to the seat of his jurisdiction; his business is dispatched with hurry, so that he may run back again, and lose no chance of profit in his profession. This ought to be wholly reformed. The recorder should, in all cases, be made a permanent judge—residing in the town, administering justice from day to day, and pursuing no other avocation whatever. He should be, what judges are not now (excepting those of the courts of Westminster), a person possessing the confidence and respect of the people. At the present time, the greater part of the business of administering the law is performed by persons whom the mass of the people bitterly hate, and oftentimes contemn. All corporation magistrates, as now chosen, acquire, from the mere fact of their being of the corporation, the ill-will, and even the suspicion, of the persons within their jurisdiction. The body of persons by whom such judges are chosen are looked upon by the people as men living by dishonest peculation. Whether this suspicion be correct or not, matters nothing. It is the necessary consequence of the system of monopoly and secrecy which belongs to all our present corporations. A judge, administering justice with this odium attached to him, cannot so administer the law as to make the people yield a cheerful obedience to it: no matter how just his judgments, the losing parties, having no confidence in the judge, will never be content with his decision. Instead of accommodating their minds to acquiescence, a surly spirit of rebellious opposition arises within them. They do not, as they would do had the judge their confidence, doubt their own opinion, and yield up their passions and their opposition. Where the judge is respected, the opinion of the world also leads men powerfully to this obedience;—when a man sees that his neighbours all believe that he has had justice done, he begins involuntarily to believe it himself; finding no sympathy in his gall and bitterness, he is quietly compelled to put up with his condition. How different is the situation of a man condemned by a judge whom all suspect, and none love! At every turn the disappointed suitor finds countenance, and sym-

pathizing auditors; he charges his judge with unfairness, and they agree with him. Suspicion and hate grow together. The administerer of the law is first hated—then the law; and bitter are the feelings of animosity created in the minds of the multitude by the belief, that for them justice is but a name, and law but a cruel step-mother. Such must ever be the result, where the judge, from the mere fact of his appointment, is subjected to the suspicion of the people. Few of the many benefits that must flow from a reform in the present abuses of our corporations will equal in importance this capital one of creating respect and willing obedience in the people's minds to the determinations of the judge. This can only be done by placing him above and beyond suspicion—by disconnecting him wholly from all irresponsible authority—by making him, as we shall hereafter show, the very organ of the people, so that each and every man shall feel as if the nation had passed the decree, and had employed the judge to announce it.

Here, however, the constant argument may be brought against the proposed plan, of uncertainty, and discrepancy in the law, arising from a multitude of tribunals. We are prepared in answer to show, that far more uncertainty, and far greater discrepancy, exist at present than could by possibility arise from the mode here contemplated.

When people speak of the admirable effects as respects uniformity in the law, resulting from the perambulations of the judges of the courts of Westminster, they forget the immense proportion of questions that never come under their consideration: for example, the criminal jurisdiction at quarter-sessions; the whole immense mass of petty litigation subject to corporation magistrates and petty local judicatures. In none of these causes is there the privilege of appeal, so that we feel confident of being correct, when we say that the matters actually coming under the cognizance of the courts of Westminster do not by any means equal in numbers those that are exempt from it; and yet we hear great talk respecting the admirable uniformity of our law: the attention of those thus lauding our institutions being usually confined to the disputes of the rich suitors, while the multitudes of poor suitors are laid wholly out of the account.

Now let us consider this question of uniformity under the new method here proposed. It will be advisable to ascertain, first, what is meant by uniformity.

In every decision of a judge there may be two distinct subjects of decision: first, as to the facts of the case; second, as to the law under the ascertained facts. The first class of decisions

result from *evidence*; and the decision consists in weighing and estimating the worth of that evidence.* Now, uniformity in the weighing of evidence is a matter utterly impossible, and is never sought after, even under our own system. It is impossible, by any human means, to regulate the impression that shall be made by a man's testimony upon the mind of the judge, so that, being given, it shall by all be exactly estimated at the same worth. It may, therefore, be laid down as a principle, that correctness of decision is in no way furthered by having the same testimony heard twice over by two different persons. For example, Judge A. hears the testimony of the witness W., and decides accordingly. The party interested, not satisfied with the decision, has the same testimony heard by Judge B., at a different place, and requires from him a judgment also. What possible reason have we to believe that the decision of B. is likely to be more correct than that of A.? He has no better means of determining; for, by the supposition, he hears precisely the same testimony. Uniformity of decision, then, in no intelligible sense of the term, is promoted by the double hearing of evidence.† Respecting the application of the rules of law, the case is widely different. If we have a set of—say a hundred—judges in various districts, delivering decisions on matters of law, it may so happen that we can render them uniform,—that is, we can almost ensure that, upon a case stated, if we should successively require the one hundred judges to adjudicate, that all would adjudicate in the same way. This would be done by subjecting the one hundred judges to one single appellate judge, whose decisions being rules to all the hundred judges in matters wherein they could be rules, there would be a constant tendency to agreement, or uniformity, in the decisions of the hundred subordinate judges; and this is all the uniformity that can ever be attained. Now, in the case before us, this practicable degree of uniformity is ensured. Give the power of appeal from the district, or corporation court to the single appellate court in London, and, at the same time, take measures to avoid all unnecessary delay, vexation, and expense; and we see no reason to dread the dangers so constantly harped on, as

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† Re-hearing by the same judge may conduce to a more correct judgment; but not re-hearing by two separate judges. But *re-hearing* and *appeal* are different things.

resulting from separate jurisdictions. So far, then, as regards the extent of the judicial powers to be intrusted to the corporation magistrates.

Our next matter of consideration is, the extent of the *administrative powers* which ought to be confided to the administrative functionaries of the corporation.

This is the legitimate field for the exercise of corporation functions; and every power of administration ought to be confided to the corporate officers compatible with the existence of the general government, and subject to its supreme control. There are matters, doubtless, of mere administration, and in which each separate district is deeply interested, which ought to be under the immediate and active supervision and management of the central government; but there are few, if any, in the control of which the local administrations ought not to participate; while, in the great majority of cases, the actual and nearly entire management should be almost exclusively confided to them.

In order to illustrate this matter of concurrent administration, and to point out some of the many and great difficulties connected with the due separation and apportionment of the powers to be confided to these subordinate administrations, we may select a department which has already caused much confusion and trouble;—we allude to the administration of the roads and other routes of communication. This subject is one necessarily of concurrent administration; that is to say, such roads as are necessary for the general communication of the kingdom should be under the immediate management of some general authority; while such as regard merely the inhabitants of the district should be the affair of the district government; and all powers requisite to the formation of such roads, canals, &c., ought to be confided to them. When speaking of the extent of legislative powers, we shall be obliged to revert to this subject, as the legislative and administrative powers are here intimately blended.

Thus again, powers for the due lighting of towns, and supplying the inhabitants with water, should be entrusted to the corporations. At present, an act of the imperial parliament is required before a gas or water-pipe can be laid down for the use of the inhabitants. Immense expense is thus incurred, and enormous injury often inflicted on the poor. In this case it is evident no interests can be affected but those of the inhabitants themselves; and here, therefore, if in no other instance, the power we contend for ought to be entrusted to them. What is now done as a job, by parties interested only for them-

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selves, or a small body of employers, would, under the system proposed, be made the business of the corporation government; which, as we shall immediately show, can be, and ought to be made responsible to the great body of the inhabitants over whose interests they are set to watch. In the same way, all the public charities—and, advancing one step farther—all institutions of education, supported by the people, should be, in a great degree, under their immediate and direct control. All public markets also,—all matters of police, come necessarily under the same management. In short, everything affecting the well-being of the neighbourhood, considered merely as a neighbourhood, and unconnected either with the nation generally, or the districts or neighbourhoods immediately surrounding, ought to be considered as the business, and coming within the field of corporate administration. From the incomplete list of these matters here given, it must be evident, that much care and knowledge would be required to make an accurate and scientific classification of the rights to be conferred, and the obligations imposed on the municipal governments; so that a general rule might be framed, and put into the form of a law. To draw correctly and distinctly the line between these various small jurisdictions, and the general government, would demand no ordinary proficiency in the science of legislation; that is, so to draw it, that a complete conception of the whole field of their jurisdiction could be attained, by an instructed man, on a perusal of the law. It would be easy to perform the task in the ordinary, clumsy mode of English legislation—in which difficulties are avoided only by putting them off to be settled by expensive and doubtful judicial decisions. Any English act of parliament which shall regulate the extent of corporation jurisdictions will, doubtless, contain a confused, illogical, and incomplete list of the powers conferred; an attempt at an enumeration will be made, and appended to it will be a drag-net to catch any forgotten or stray right, which may have escaped the detail, in a shape, perhaps, like the following: 'And all other rights, powers, privileges, or immunities necessary to the due and proper discharge of the several functions above enumerated.' What 'rights, powers, privileges, &c.,' may be so necessary, will lie hidden in the womb of time, till a judgment of a court of law shall give them birth; so that we shall never come to the end of the list. The decisions of the courts will never do more than settle the matter immediately in dispute; and, on every fresh emergency, a new suit, and new decision, will be requisite To avoid these mischiefs by a previous, complete, and exhaustive classification of the rights and obliga-

tions necessary to the end in view, will, we fear, never suggest itself to those whose business it will be to prepare a bill for the consideration of the legislature. To do so would appear too much like the conduct of a philosopher; and a philosopher, as every blockhead is supposed to know, and always asserts, is not a practical man. The practical men are the drag-net framers —men to whom nothing suggests itself but what a narrow experience teaches—men who never use thought to learn what *may* happen, but who are content to task their own memory to remember what *has* happened. They put down a confused list of particulars, in the order in which their memory supplies them; and then complacently crown their work by the capital contrivance of a wide generality, which, as it distinctly specifies nothing, may, upon occasion, be made to signify anything. After this manner have all our laws hitherto been fashioned. Would that we could reasonably hope that, in the case of corporation reform, science was about to assume its proper function, and order and logic to occupy the place of a confused and disorderly enumeration!

It is needless further to consider the subject of administrative functions; a vague and general view of them is easily attained; enough, we hope, has been said to that end. A complete and accurate conception could only be conveyed by the laborious analysis and classification above alluded to—an analysis which necessarily supposes a previous one of the whole functions of the general government. For this, the present is not the time or the place. We, therefore, pass to the next matter of consideration, viz.:—

The extent *of the legislative powers* which the corporation governments should enjoy.

In the strictest sense of the term legislative, it may, perhaps, be said, powers of that description ought not to be, and are not, confided to corporate or local governments. We have no desire to quarrel about a word, and will, therefore, explain, as definitely as we can, the *thing* here intended.

It may often happen that, for the purposes of mere administration, a power may be needed of framing general rules, and obtaining obedience to them. For example, police is a matter of mere administration; but to attain the end of all police, viz.—peace and security—it may be, and often is necessary, that general rules should be promulgated, both for the guidance of the officers of police, and for the conduct of the people. Again, lighting, watching, and paving a town, are all matters of mere administration; but yet many things have to be done to these ends, which require powers very nearly resembling legislative

powers, if not actually such, and which we in England have always seen exercised by a legislature: for example, it is necessary to tax the community—to confer the right to enter upon the property of individuals—to confer a monopoly. All these things affect the whole community of the corporation, and must be the result of a rule which all are to obey. Now, the persons who enact these rules, which to us assume most of the characteristics of a law, ought not to be the persons by whom they are carried into effect. They who frame the rules of police ought not to sit in judgment on the offenders against the rules. If this be correct, this single circumstance is sufficient to justify the distinction we have made between administrative and legislative functions in the corporation governments.

Every observation above hazarded, respecting the importance of framing an accurate analysis and classification of the administrative powers, applies with even greater force to the case now before us, while the difficulty from the novelty of the thing is considerably increased. We are all of us accustomed to see functionaries daily exercising administrative authority: it seems to all, vulgar and instructed, right that they should do so; and all men do in their own minds frame some conception, however inaccurate, of the body or aggregate of powers necessary for an administrative functionary; but the carving out from the supreme government a portion of sovereignty, and bestowing it upon a number of petty jurisdictions, is in name new, though in reality it has long been acted on. What we suggest is merely an extension of an existing practice. The present corporations actually possess some of the powers which we have spoken of as legislative powers: all that is new in our plan is the suggestion that in the same way, and under the same restrictions and subjection to the general government, other powers now exercised by parliament should also be confided to them. Added to this, there is one other novelty, viz. the proposal that we should distinctly determine beforehand the precise limits of the powers to be conferred; and having so ascertained them, should, as distinctly as we are able, describe them in the terms requisite to the framing of a general rule of law: so that all men might learn what powers it was intended that these subordinate jurisdictions should possess, and thus doubt and litigation be materially obviated.*

* The following extract, from a charter already quoted, illustrates well some of the above observations: it serves to show what large powers were anciently confided to the corporations; and also how imperfect was the skill of our lawyers then, in the science of legislation. We have a redundancy of language, ridiculous, as well as disgusting, and yet the enumeration of powers is any thing but complete;—definite, it does not apparently pretend to be. The charter provides that the mayor, aldermen,

2. Thus far, then, as regards the first great branch of our inquiry. We now proceed to the second—viz. *The mode or fashion in which the Corporation Governments are to be framed.* The matter we have just left is quite as important as the one we are now to investigate—for on the extent of the powers confided to them almost entirely depends the usefulness of the municipal governments. If these powers be narrow, so also will the utility of the municipalities be diminished; while, on the other hand, if they be liberally awarded and strictly defined, there is hardly any limit that can be placed to the benefit to be derived from them. Yet, important as this matter is, it does not excite the lively interest in the popular mind that is created by the present subject of inquiry. What the corporations can

and common council, in court or convocation, '*may and* shall have *full* authority, *power, and ability*, to *erect, constitute, ordain*, make *and establish, from time to time*, such laws, *institutions, ordinances, and constitutions*, as to *them, or* the greater part of them, shall seem *good, wholesome, profitable, honest, and* necessary, *after their sound discretion*, for the *good rule and* government of *the mayor, aldermen, common council, and of* all and singular *other* the inhabitants of the said city of Bath, and all officers, ministers, artificers, residents, dwellers, and inhabitants of the said city, for the time being, or of any others whatsoever, resorting or coming to the said city; and for declaring how and in what order the mayor, aldermen, and common council, and all and singular other ministers, officers, citizens, artificers, dwellers, inhabitants, and resorters of the said city, shall behave, bear, and use themselves in their offices, functions, mysteries, crafts, businesses, obediences, and good behaviours, within the said city and liberties thereof, for the time being; and otherwise for the public good, common utility, and good regimen of the said city, and for the victualling thereof, and also for the better preservation, governance, disposition, placing, and letting of the lands, tenements, possessions, revenues, and hereditaments, to the aforesaid mayor, aldermen, and citizens of the city, and their successors, or to the mayor and citizens of the said city, or to the citizens of the said city heretofore, or by these presents given, granted, or assigned, and other things and causes whatsoever, touching or in any way concerning the said city, or the ordinances, institutions, constitutions, statutes, rights, and interests thereof; and that the mayor, aldermen, and common council of the said city for the time being, or the greater part of them (whereof we will the mayor for the time being to be one), as often as they shall enact, make, ordain, or establish such laws, institutions, rights, and ordinances, and constitutions in form aforesaid, may and shall have power to make, ordain, limit, or provide such and the like pains, punishments, and penalties, by imprisonment of their bodies, or by reasonable fines and amerciaments, or by either of them, against and upon all offenders against such laws, constitutions, rights, ordinances, and institutions, or any of them, as to the said mayor, aldermen, and common council for the time being, or the greater part of them, shall be then thought necessary, fit, and requisite for the observation of the aforesaid laws, institutions, rights, ordinances, and constitutions; and the same fines and amerciaments may levy and have of the goods and chattels of every one so offending, by the bailiffs, or other ministers of the said city, to the use and behoof of the aforesaid mayor, aldermen, citizens, and their successors, without let of any of the officers ministers of us, our heirs, and successors, and without any account or allowance in any wise to be yielded unto us, our heirs, and successors, for the same, or any part or parcel thereof; all and singular which laws, ordinances, constitutions, rights, and institutions, so to be made as aforesaid, we will for us, our heirs, and successors, to be so continued, so that the same laws, ordinances, institutions, and constitutions be not repugnant nor contrary to the laws and statutes of our realm of England.' In the first sentence all the unnecessary words are put into italics: it is needless to carry the exhibition farther.

do people fancy they know; and what excites their concern is, the mode of turning these supposed known powers to useful ends. This, in most people's minds, signifies, what is the most effectual way by which the municipal governments can be made subject to the control of the people. This is all very natural, and just what any one who knew aught of mankind would expect. In this case, the powers confided are so palpably useful, that no one has ever yet attempted to curtail them. On the other hand, they have constantly been abused, in consequence of a vice in the system manifest to all. To maintain this vice has been the grand aim of one set of persons, to get rid of it that of another. We would have the people, however, exceedingly watchful as to all points on this subject—and be wary lest corporation reform be rendered of little use, by artfully curtailing the powers conferred on the corporation governments; or by so confusedly and ambiguously wording the enactment which confers them, that litigation and the wildest confusion be made to result from a measure which now raises the fondest hopes of the nation. The friends of present abuses will not be sorry to disappoint these expectations, and thus make the people dissatisfied with reforms they long have coveted. If the people be watchful, this artifice cannot be practised on them.

That the form of the corporate constitutions is a matter of vital importance cannot be doubted—that here the chief arts and most strenuous exertions of the lovers of bad government will be used is also certain. Still we feel re-assured, when we recollect, that while the enemies of reform are more active in their opposition on this part of the subject than elsewhere, reformers are also more united. Understanding this portion of the question in consequence of a long and painful experience, their demands are definite and alike among all classes. The most barefaced imposition will nevertheless be practised at every step of our progress here: so that it is the more necessary to have constantly before our eyes what our demands ought to be; and to be so familiar with every particular portion of the subject, as to be safe against the many surprises and artifices to which we shall be subjected.

The important points respecting the framing of the corporate governments may be classed under the three following inquiries:—1st, Having ascertained the various powers which ought to be confided to the corporate government, what should be the mode in which those powers ought to be distributed. In other words, what functionaries and bodies of functionaries ought to be established. 2d, In what way ought they to be chosen.

3d, In what way ought the various expenses of the corporation to be provided for.

The distinction already made of the powers of the corporate governments into *judicial*, *administrative*, and *legislative*, points to the distinction which ought to exist among the officers to exercise them. In every corporation, in the present condition of the public mind, there should be *judges*, *administrative officers*, and *a legislative body*.

At the present time there exist, in many of our corporations, courts of law having a very extensive jurisdiction. But from all of them business has effectually been diverted by the conduct of the courts of Westminster Hall. The practice of removing causes from these inferior jurisdictions to the Court of King's Bench has been so favoured by the judges, that the utility of the subordinate courts has been utterly destroyed. Had the courts of Westminster been content with the business of Appeal, in the accurate acceptation of that term, the whole administration of the law in this country would have been very different in its character. Instead of being tedious and expensive, as it now is, it would have been, in the towns at least, at every man's door, and might have been rendered by the presiding care of the appellate jurisdiction, cheap, just, and efficient.

The mode, then, which we should now suggest would be to revive these courts, where they have heretofore existed, and to create them in those corporations which have been devoid of them; with this proviso most strenuously insisted on, that in every case the court should consist only of one judge. If in any town there should be more business than one judge could perform, have two; but have these sitting and judging separately, each responsible for his own acts, and his own acts alone. The recorders of corporations are the proper judges, and would thus be converted into useful and fully occupied officers.

In the present condition of our law, the administration of it is divided in fact, though not, perhaps, formally, into summary, and non-summary. Another division which is formally made is that of criminal and civil. It is necessary to consider both these divisions, when determining the duties of judges amongst us. Now, we see no reason why, in the first place, both the summary and non-summary jurisdiction should not be intrusted to the same judge; excepting, indeed, in such places as require more than one. In those, it may, perhaps, be no unwise appropriation of business to give the more summary business to one—the more slow and regular to another. So also, with the same exception, we should confide both civil and criminal jurisdiction to one and the same judge.

The one greatly beneficial consequence of this arrangement would be the taking away all matters of adjudication from the other corporate officers. The knowledge requisite for a judge, can only be acquired by long and patient study. In short, a peculiar and laborious education is needed, in order to fit a man for the judgment-seat. What can be more preposterous than, suddenly, as in the case of the Lord Mayor of London, to transfer a man from the counter to the bench, and, in order to ensure the least possible quantity of fitness, to change the mayor regularly every year, at the same time rendering it impossible for any one to be mayor for more than two years of his life, and in by far the greater number of cases allowing him only a single year in office?—thus, in the language of Mr. Bentham, 'throwing away the benefits of experience—a sort of profusion very ill reconcileable to the rules of prudence.' Fresh ignorance is yearly supplied to the bench, and expert tradesmen annually converted into bad judges; the actual consequence being, that the real judge is the irresponsible clerk; he instructs the ignorance of his superior, and in his name, decides according to his own fancy. Persons, also, who have been successful in trade, are, at a late period of their lives, by being made aldermen, converted into judges. These persons, by their experience,—by their long residence in the town, are just the persons best fitted to watch over its peculiar interests; they are thus proper persons to be chosen to perform some administrative functions, but are not at all capable of administering the law.

'The notion of facility in the business belonging to this office is very good, as a wish, but very ill, considered as an opinion . . . Though the laws were as simple as angels are pure, judicature could never be brought within the competence of an uninstructed and inexperienced mind. The application of the law to the fact; the inquiry whether the evidence, as exhibited, brings the matter of fact within any of the species laid down in this or that part of the general map of law is a task that is, and ever will be, liable to require a considerable skill in the value of words,—a considerable degree of proficiency in that abstruse and formidable branch of science,—distinguished by the repulsive appellations of *logic* and *metaphysics*. The putting together and weighing one against another, that multitude of obscure and discordant links which a cause will sometimes exhibit of a chain of evidence, is a task to which no ordinary powers of discernment will be equal: the investigating them is a pursuit to which no vulgar measure of sagacity will suffice. In all other lines, shall practice be essential to improvement, and in this alone a matter of indifference? Are men bred tailors and shoemakers by nature? And is there less difficulty in trying a long and intricate cause, than in making a pair of breeches or a shoe? . . . No art, no science, no corner, however obscure in the obscurest

art or science, that may not furnish questions for the decision of a judge: and judges, it has been thought, may be taken from any counter, or from behind any hedge.'—*Bentham's Plan of a Judicial Estab.*, c. v. t. 3.

It may be said, however, and, doubtless, will be said, that these persons do not decide in civil cases. True; but still their decisions are important:—sending a man to prison, fining him five pounds, and such matters, are, to the parties concerned, of the highest moment; though, perhaps, to a thorough-bred lawyer or English legislator, a formal trial respecting a promissory note of five pounds may appear of far greater consequence. We own that we cannot participate in the feelings that lead to this estimation. The judgments affecting the poor, though they may be respecting little sums, are just as worthy of deep consideration—are fraught with consequences upon the happiness of the parties, quite as great as the decisions of the courts of Westminster in the cases of the rich. It is no justification for making a tradesman a judge, to say that his judgments affect the property and liberty of the poor alone. All jurisdiction, therefore,—whether summary or non-summary, whether civil or criminal—should be completely withdrawn from every officer but the regularly educated judge; and whether the offence be a night-brawl, to be decided on at the discretion of the magistrate—a more grave matter, to be decided on a formal prosecution—or a civil law-suit,—all ought equally to be decided by a judge whose sole business is that of judging.

It may be said, that confusion would be created by this sort of pell-mell arrangement. None, however, need arise. At stated hours, the different sorts of business may be entered on: for example, as soon as the judge took his seat in the morning, he might decide upon the police cases that have occurred since the day before. This should be done every morning; and then, on certain days, might succeed civil: on certain other days, criminal business. Everything being done in open court, by one responsible and educated judge, who would be mixed up with no party squabbles—with no disputes resulting from transactions connected with other portions of corporate management—respect would be felt for the judge, and for the law which he administered. How different from this picture is the actual working of the present system! In every country town in which the corporation is a close one, bitter animosity exists against the various members of the corporation, in the minds of the inhabitants generally. The mayor and aldermen usually sit in close conclave, and try such offenders as appear before them, by no law but their own will. Suppose the case of one

of the corporation, or one of their friends, affronted by an expression, or by a look of a poor tradesman or mechanic; the offender is summoned; he is allowed no one to speak for him; the public are excluded from the justice-room; and the accused may be an ignorant person. We do not ask what chance this man really has of a just decision, that not being the pertinent or important question; but the question that we do ask is, what chance is there that the public, to which he belongs, will believe that he is likely to have a just judgment? Every one knows, that if angels were to sit in judgment after such a fashion, they would be vehemently suspected. What expectation, then, that a body, already suspected, and hated, should share any other fate? If we desire that the law should be revered and obeyed, we must place its ministers above suspicion: we cannot do this, if we allow them to exercise any function besides that of judge. The following observations of Mr. Bentham are pertinent to the matter in hand:—

'On this occasion, as on all others, popularity is to be considered as a solid and substantial good;—unpopularity, as a solid and substantial evil, independently of good and ill desert. Two properties are indispensable on the part of a magistrate of this sort—that he be a good one—and that he be thought to be so. Without he be so, he will hardly, it is true, be thought so long; but so long as it is possible to be in either case, without being in the other, better he should be thought to be good without being so, than be so, without being thought so. A judge may be bad in a thousand respects: he may be corrupt or ignorant in the extreme; and, yet so long as his corruption or his ignorance do not transpire, no very material suffering may ensue from it: let him be generally thought so, whether he be, or be not so, is a matter of small moment, otherwise than to his own conscience. An alarm,—an opinion of insecurity, equally general, is the necessary consequence; and where there is no opinion of security, as well might there be no justice. Insecurity, unapprehended, is but a latent source of *contingent* misfortune to the few;—insecurity, perceived, or supposed, is a fund of actual and present uneasiness to the many. Possessing the confidence of the people, then, is the first requisite in this line—deserving it, is but a secondary one.'—*Judicial Estab.*, c. v. tit. 3.

The only parties whose opposition to the above proposed arrangement need be feared are the lawyers of London. This opposition cannot be frustrated by any appeals to lawyers themselves. They see clearly that such a system would be adverse to their own personal interests. The London Bar would in reality be broken up by it; and no explanation of the manifold benefits likely to arise to the public, from such an alteration, will reconcile the lawyers to their own loss of profit and honor. Already they have manifested their dislike, by

their opposition to, and final rejection of, Lord Brougham's plan of local courts—the effects of which would have been somewhat similar to those of the plan here proposed. Expecting, then, nothing from any attempt at persuading the legal body, all our hopes of success must be founded on the strength and firmness of the people's demands. If they, believing the proposed alteration benefical to the general interest, order their representatives to propose, and vote for it, the reform will be effected; if, on the other hand, they be lukewarm, or careless, a system will be established, leaving the great vices of the existing one untouched—careful, indeed, of professional interests, but reckless as regards those of the public.

We have now arrived at that matter which, above all others, will arouse the furious opposition of all lovers of the things that be. By whom are these judges to be selected? They who favour the present system,—who love, in all its branches, aristocratic dominion, will strive to place the power of selection, nominally, in the hands of the king—really, in those of the reigning minister of the day: thus preserving to themselves—that is, to the aristocracy—a powerful interest among the long-favoured instruments of their dominion. An attempt will be made (and we feel justified in the assertion by the language of the present Solicitor-General at Exeter) to take away from the people all power in the selection of the borough or corporation judges, and to place it in the hands of some party having feelings and interests identical with the aristocracy. If the people be blind or mad, they will permit this baneful usurpation; if they be wise, and their representatives honest, the power will be intrusted to those who have the greatest interest in the right use of it—viz., the people themselves. But would you subject the administration of justice to the caprice and passions of an excited population, and make your judges solicit suffrages after the fashion of a parliamentary candidate? By no means: and we would, in a parenthesis, observe, that we consider the solicitation of suffrages by him who is to be a legislator quite as indecorous, and quite as mischievous, as solicitation by him who is to administer the law which the other makes. In the one case, and the other, the best security against such proceedings is the opinion of the public. Let them once generally consider that all canvassing is mischievous and degrading, and candidates will quickly forego so painful and so disgusting a ceremony. In the selection of a judge, however, some further precautions may be taken to place him without the reach of popular excitement, while, at the same time, he may be kept responsible

to the calm and rationally-formed opinions of the people. The plan by which these ends can be obtained is as follows.

We have already spoken of a body, who may be considered the legislature of the corporation. This body, by the plan we shall immediately explain, but which explanation we now somewhat anticipate, will be completely responsible to the great body of the people. By this body, when a vacancy occurs, the judge should be selected, and the term of the judge's office should neither be for life, nor for any stated term; but, on complaint made, he should at any time be removable by the authority which selected him. The following advantages, we conceive, would result from this arrangement.

As the parties selecting the judge would be acting in the exercise of a trust, all immediate canvassing of them would be rendered impossible, by the opinion of the public. For the proper exercise of their trust, they would be responsible to the people. But the people would not be able, under the influence of any immediate and sudden emotion, to remove the judge, though at the time for the re-election of the legislative body (which, for shortness sake, we may call the *council*) they might express their sense of their representatives' conduct, if they deemed that they had acted improperly, by putting others in their places. This check on the members of the *council* would ensure an honest selection; while the number of steps to be taken, before the judge could be removed, would ensure a calm judgment in his case. Let us take an example. Supposing the council to be elected once a year; upon the average of cases, the selection of a new judge would take place six months before they went out of office. In some cases, it would be a longer, in some a shorter period—however, say, as an average, six months. Suppose the judge selected, and the people dissatisfied with the selection. The judge enters upon his office; he cannot be removed but on complaint made. We may assume that the parties who have selected him, as they knowingly made the selection against the opinions of their constituents, would not frivolously unseat him. But suppose the people to be so angry that they select a new council: remark, that in the first place, in most cases some time must elapse before a new election. If the objection, on the part of the people, be the offspring of passion, that passion will have some time to cool. The judge, moreover, during the period, is occupied in giving the people evidence of his fitness, if he be really competent. However, suppose the new council hostile to the judge to be elected: before he can be dismissed, complaint must be made, and a solemn

trial take place. What greater securities against hasty decision —against injustice or passion, could possibly be conceived? Let any one, with an unprejudiced mind, compare this mode with that which gives the selection of the judge to the minister, with or without power to remove him, and then let him decide calmly upon the merits of one and the other.

Let the people bear in mind, that one of the modes that will be attempted of robbing them of all the benefits of corporation reform, will be, taking the power of selecting judges out of their hands, and placing it in the hands of those over whom the aristocracy have an all-powerful influence.

Having disposed of the consideration, of who are to be judges, and who are to select them, we come to the same matters of inquiry respecting the *administrative* and *legislative* officers.

If the classification of powers above spoken of have been made, the determination of what administrative officers are necessary would easily be come to. Having distinctly and correctly conceived what it is that has to be done, it would not be difficult properly to apportion the business among those who are to do it. Officers to watch over the poor; officers of police; officers to superintend the lighting the town, conveying water to the inhabitants, paving and otherwise taking care of the streets; officers to collect the revenues of the town; the treasurer and the lawyers of the town should all be separate persons; and should be elected annually, either by the people, by ballot, or openly by the town council, to be hereafter described. But the people is a vague term—what is it here intended to signify? *Answer*, all persons who contribute directly to any of the expenses of the town. Content, indeed, we shall be, if under present circumstances we obtain a constituency for the corporations consisting of ten-pound householders. That is, persons rated as such; making the rating, and not the payment of the rate by a certain day, the circumstance giving the right of being a corporation elector. Such a constituency will nearly, though not in the degree that we could desire, possess interests identical with those of the whole population. As a step towards a still further extension of the suffrage, we should be content even with this ten-pound constituency; what we should be better pleased with would be household suffrage, as coming still nearer to the point we wish, that being, that all who pay should have a voice in electing those who levy and spend the money. This is another matter on which deception will be attempted. Every possible effort will be made to narrow the constituency. The people, however, should be satisfied with nothing less than the

parliamentary constituency, and should strain every nerve to extend it to the point we have named.

Another mode of rendering inefficient the control of the people would be by rendering the various officers elected by them permanent. This notable plan was conceived by the late Lord Chancellor, Lord Brougham, who having, we suppose, a desire to conciliate some mischievous interest, proposed to elect aldermen for life. The effect of which would be to incur all the evils attendant upon a popular election, carefully excluding even the possibility of a benefit. We run the risk of all the mischievous arts by which popularity may be acquired, being called into action *before* election, while all feeling of responsibility *after* it is effectually prevented. Again, then, we warn the people to be upon their guard. On this point, also, the lovers of corruption and misrule will exert themselves, *and attempt to nullify the benefits of corporation reform by enacting that the various officers be elected for life.* The people, on the other hand, should insist, in the case of all the administrative and legislative functionaries, on annual elections. Their very frequency would tend materially to keep down all commotion, and quiet might be ensured by the employment of the ballot.

We are not inclined, in any case, to be very solicitous about names merely, but instances do occur in which the effects of a name are of great import. The matter in hand appears one of these. Instead, therefore, of retaining the old, and in themselves unmeaning designations of corporate officers, it would be wise to choose new and significant ones. The designation to which this remark chiefly applies is—*aldermen.* We propose to do away entirely with the name alderman, and for this reason; aldermen in almost all instances have hitherto been chosen for life. As in the army, once a colonel always a colonel; so in corporations, once an alderman always an alderman. It is deemed not so much an office as a dignity, and to deprive a man of a dignity once attained is contrary to usage and feeling*. The idea of permanency is so indissolubly connected with the name, that we see little chance of getting rid of the one without the other. The name, if it now point to any, points to one only, and that an insignificant one, of the many circumstances which

* The Municipal Corporation Reform Act of Scotland (3 and 4 Will. IV., c. 76,) by which the town-councils are made periodically elective, abolishes many of the old honorary offices and titles of the members of the council. The nineteenth section enacts "That (except as hereinafter excepted) the offices and titles of deacon, and of convener and dean of guild, and of old provost and old baillie, as official and constituent members of town-council, shall, after the completion of the first elections under the provisions of this act, cease and determine, and no distinction shall afterwards be kept up or recognized between trades baillies, and merchant baillies, or trades councillors and merchant councillors, in any such council."

should determine the choice of the elector. Alderman, or elder, is one whom, from being old, people believe to be experienced. Now age is but a faulty index to experience—and experience alone is not enough to constitute a good servant of the public. Honesty is an essential quality, and this, unfortunately, has no necessary connexion with experience.

Having got rid of the insignificant name alderman, one difficulty will be removed from our way, when endeavouring to apportion to each officer the business he will have to perform. To each will be affixed a significant name—a name that will distinctly point to, and, in some measure, mark out the duties of his office; while with these appellations no mischievous associations of permanency or dignity will be allied. There is more importance in this matter than inexperienced observers would, at first sight, be inclined to attach to it.

Amongst other offices which we propose to abolish is that of mayor. The aggregate of duties now attached to that office are heterogeneous, and ought in no case to be exercised by one and the same individual. While, on the other hand, there is no need of creating anew any head to the body corporate. Under the proposed system, the mayor would not act as judge or magistrate, for those duties would be performed by the regular judge; he would have no administrative office, for all that class of duties would be specifically apportioned to their respective officers. All the members of the town-council to be hereafter spoken of would be equal, and elect their own chairman. To retain a mayor under these circumstances would be to retain a useless incumbrance.

In order to constitute a proper *legislative* body for the corporation, all that would be needed would be to allow the general constituency of the corporation to elect annually a given number of persons to exercise the powers which, under the Corporation Reform Act, would be allowed to them. We have already, when speaking of this body, called it the *council*. The Scottish term, the *town-council*, is as good a name as any that could be devised, but unluckily the town-council would seem to have functions which we should not confer upon our council. In our plan, the council would in no case act judicially, though it would select the judge or judges needed; neither would it directly exercise any administrative function, but would make rules which others would carry into execution. Its business would be deliberation, and unlike the other officers of the corporation, the individuals composing it would not have separate functions to be separately exercised, but the duties of all of them would be identical, and would be performed by them all acting together in a body.

This legislative council (by whatever name called) constitutes the distinguishing feature of corporation government. It would be possible to have officers elected by the people in every part of the kingdom, and yet have no corporations. It is the power of making rules for the regulation of their peculiar concerns that is the circumstance constituting it a government, though a subordinate one. From hence, too, is derived all the benefit of corporations: peculiar knowledge derived from more accurate and constant experience, and strong motives of personal interest, being, by this means, brought to bear upon the business of government. Lest this peculiar self-interest should interfere with the interests of surrounding neighbourhoods, each corporation is subject to the supreme authority of the general government; and as they exercise their powers under the sanction of a general law, the limits of their powers would, in all cases, in England, be determined by the Court of King's Bench. These two circumstances, subjection to the authority of the general government, and of the general courts of law, distinguish the corporation from the federal system. In the United States, for example, if the state governments were made immediately subject to the authority of the Congress, and amenable to the decrees of the supreme court, they would, in fact, be nothing but corporations possessing very extensive powers and extensive territories. As it is, these states call themselves separate and independent states, which, in reality, they are not, according to the letter of their constitution. How this may hereafter be interpreted will, however, depend upon the strength of the parties concerned; and time alone can determine what is really intended by the sovereignty and independence of the federal states of America. The corporation system involves none of these difficulties. It sets out with distinctly assuming the dependence of the corporation governments. They are the offspring of a law, not a compact; that law must be interpreted by the courts of law, and may at any time be altered by the legislature.

We have said thus much in order to point to an important conclusion. Much has been said—much more will be said, and perhaps something eventually done—respecting the union of Ireland and England. The remedy,—the only effectual one for the evils of which the Irish people justly complain, lies in the due application of the corporation system. They complain that their interests are judged of and controlled by persons at a distance, and ignorant of their affairs. In order to remedy this mischief, it has been proposed to do away with the supreme authority of the imperial legislature. This would certainly

avoid the evil complained of, but might entail upon both countries others of still greater magnitude. When there is no higher authority to settle differences between contending governments, war is the arbiter; and between nations so nearly allied as England and Ireland, it behoves us to find, if possible, some means of avoiding so direful a calamity as war. The remedy is at hand, and easy of application. The evil complained of is, that the concerns of the Irish people are administered by persons at a distance, and ignorant respecting them: to obviate this, grant to the people corporation governments. Bring, by this means, the government of their concerns home to their very doors; give large and liberal powers to these subordinate governments, but keep them still subject to the general legislature, and let their limits, under the law, be determined by the judicature. Thus on the one hand we obviate the existing ills, and avoid those that are dreaded in consequence of a separation.

Another important circumstance connected with this town council is the *qualification* that shall be deemed requisite to render any one eligible to be elected thereto. In our opinion, no pecuniary qualification whatsoever ought to be required. The people's choice is of itself sufficient; and it never yet has been proved that a money qualification in any way contributes to ensure appropriate moral or mental aptitude. By narrowing the class from which the electors may select their representatives, you lessen the chances in favour of a wise selection. In the Scotch municipal act no money-qualification is needed; and, strange to say, neither is any needed for a Scotch representative in parliament. No evil has yet been seen to follow in either case; and we find it difficult to understand why that which is fitting for the Scots should be unfitting for the English. By some local acts in England, under which commissioners are chosen to act in the small courts as judges, a qualification of property within the given town is required. The necessary consequence has been so to narrow the choice of the electors, as to render altogether nugatory the right of election. All demands for money-qualification have the same tendency; the choice of the people is circumscribed, without one additional security being obtained either for probity or intelligence.

We have now arrived at the last subject which we proposed to discuss, viz., the manner in which the various expenses of the corporation ought to be provided for.

Any difficulty connected with this matter would, in reality, be met by those parts of the law which determined the powers of the legislative body: this body would have the power of

taxing the people for corporation purposes, that is, for purposes also enumerated distinctly in the law itself. The checks upon improper expenditure would be, 1st. Publicity in all the deliberations of the legislative body, and in all the accounts of the corporation; and 2nd, the annual election of administrative and legislative functionaries, immediately or mediately, by those who were to be taxed. These would be sufficient to ensure care and probity.

Whatever may be the objections (and we deem many of them of great weight) against allowing bodies corporate, not under the control of the people, to acquire and transmit real as well as personal property, none that is valid can, we think, be suggested to such permission in cases like that of municipal corporations. Were it proposed to make them close corporations, the matter would be different; but as the people, that is, the great body thereof, would have a direct control over all the property belonging to the corporations, no abuse could possibly arise from allowing accumulation in their hands. By care, moreover, and frugality, property might be acquired to such an extent as really to relieve the people from all expense. Rent which is, in fact, paid by no one, but arises from a monopoly of the things from which it is derived, might afford, in time, so large a revenue to each corporation, that no tax need be imposed on the people. Amongst an educated and well-informed nation, no mischievous use could be made of such accumulated property; certainly none that could counterbalance the great advantage derived from an absence of all burdensome taxation.

While speaking of the expenses attending the corporate government, it is necessary to advert to an important principle connected with the remuneration of the officers. In all cases where responsibility is desired, services should be paid for. Gratuitous service is always careless, and by its very nature excludes all idea of punishment for non-performance or mal-performance. From this circumstance it is always bad service. The unpaid magistracy of this country is but too striking an example of this rule. Men will always receive reward in some shape for whatever trouble they may take upon themselves, barren honour is not enough. The exercise of power is a pleasant thing in itself, and by itself, and such exercise will, in many cases, be deemed reward enough, provided the power do not bring with it responsibility. When a man is liable to be blamed and punished, the case is wholly changed. Then is the exercise of power not so sweet as to be its own sufficient reward. In the one case he who exercises it is a despot, in the other a servant. But a state wants servants, not masters,—good

servants also: to make them such, not only must they have the fear of reproof before their eyes, but the hope of reward also. Give them the reward, and you may exact industry, competency, and probity; withhold it, and you may seek, but you will find none of these. On these grounds, and on many others, which we need not here enumerate, we propose that every functionary, whether of the council, or a judge, or administrative officer, from the highest to the lowest, should receive adequate wages.

From the above explanations the reader, we hope, will be able to gather the plan we propose, and the difficulties that lie in the path of the corporation reformer. In order, however, to place under his eye, at once, the intended system, we shall briefly resume what has been proposed, beginning at the point at which we ended, and running back to our original commencement.

It is proposed, 1st. To make the electoral body to consist at least of the ten-pound householders. The object, however, we desire to attain is, household suffrage. 2. It is proposed that, by this electoral body, there shall be annually elected,—

A town-council having deliberative and legislative duties, all which are to be clearly and definitely laid down in the law creating the corporation governments;

Also various administrative officers, all of whom, with their respective powers and duties, are to be clearly and definitely enumerated in the said law.

3. And it is proposed that there be appointed *a single* judge, or judges *sitting singly*, possessed of power to judge in all cases, criminal as well as civil, summary and non-summary, in which the quarter-sessions, the petty local courts under local acts, and the town magistrates have now jurisdiction; with appeal upon a written statement of the case, and under certain checks, to prevent vexatious delay and expense, to some one specified court of Westminster. These judges to be appointed, and, on complaint made, to be removable by the town-council. Such is the outline of the proposed plan.

It should be remembered by those who may have eventually to frame the enactment by which corporation reform, such as it is to be, will be effected, that the powers and duties of these subordinate governments being the result of a law, nothing should be left indefinite that can possibly be defined. In the case of a supreme or sovereign legislature, limits cannot be laid down, because, by sovereignty, an indefinite power is necessarily intended, the discretion of the parties composing the sovereignty being, in fact, the sole guide and ultimate appeal. The matter is wholly different in the case of a subordinate power. The

supreme legislature chooses, for the time being, to delegate, out of its unlimited dominion, certain powers to, and at the same time, to impose certain obligations on, the corporate bodies. It behoves the legislature to state accurately how much and what power it grants, what duties it imposes; and he is unfit for the task of framing the enactment by which this is to be done, who is unable to make this statement accurately, intelligibly, and completely. To the performance of this task there should be brought not merely a commanding and searching intellect, but a profound knowledge of the sciences of jurisprudence and legislation, as well as of the existing law. One possessed of these rare qualities would make the coming change a source of almost endless good; while a bungling lawyer of the ordinary school of English law-framers will go far to nullify all benefit by ensuring endless litigation and expense by means of an ill-conceived and undigested mass of crude, ambiguous legislation.

J. A. R.

Art. IV.

RECENT SPANISH LITERATURE.

Obras Literarias de Don Francisco Martinez de la Rosa. Paris. Didot. 1827.

The Literary Works of Don F. M. de la Rosa, &c.

A DOMESTIC history of Spain—a picture of the internal state of that unfortunate country during the last sixty years—unfolding the progress of the mental struggles of individual Spaniards—the vague aspirations after a moral and intellectual excellence, which they rather imagined than knew—the glimpses of hope which broke out, at distant and short intervals, through the clouds of ignorance, profligacy, and superstition which enveloped the court, on whose changeable humours and fancies depended the fate of the whole nation—a faithful, simple, unaffected portrait of the Spanish Peninsula, drawn by the hand of one familiarly acquainted with, and personally concerned in the events, but, nevertheless, free from the deep-rooted prejudices of a Spaniard—would be one of the most affecting, as well as instructive works which the now extremely rich literature of Europe could boast of. Spain is, indeed, nearly the most unfortunate portion of the European family; and yet she has no inherent defect of mind or heart for which she might be said to deserve her lot. The various divisions of the Italian people are all, more or less, ill-governed; but nature appears everywhere determined to make them a compensation for the

wrongs which they bear from their rulers. In Spain she is more severe, even in her beauty—more sparing in her bounty. Italy, though inferior to what she *might be* in all the departments of mind, were she under the influence of unlimited freedom of thought and speech, still ranks first in the domains of taste, and enjoys pre-eminently the glories of past ages. But Spain contemplates the present with a cast-down countenance, and finds it necessary to support her sense of dignity by exaggerated notions of the past. No people on earth ever felt so deeply that self-esteem is necessary to happiness, and no people on earth has ever been so cruelly deprived of the national advantages which ought justly to support that feeling. The modern Greek is accustomed to degradation, and the habitual sense of it scarcely disturbs his vanity; but every Spanish peasant will tell you, with a deep sigh, that *his* country would be the first in the world if it only had a good government. The apparent boast is nothing but a disguise for the humiliating confession which follows it.

The same painful conviction appears in almost every book, not quite contemptible, which has been published in Spain during the period just alluded to. Hopeless, defeated aspirations breathe out in every page of the best modern Spanish works. In the same degree as the most recent Spanish writers have been forced, by political disturbances and personal reverses, to become acquainted with England and France, and have increased their knowledge of the scientific and literary advantages of these more advanced nations;—in the same degree as the works of the Spanish emigrants manifest improvements which the authors could not have gained, except in the school of adversity—they also betray their long-existing feeling of humbled and yet struggling pride. They still speak, in sounding phrases, of the *golden age* of their literature; while their improved taste and knowledge compel them to make concessions, in detail, which amount nearly to a contradiction of the declamatory assertions which they think due to national glory.

It is difficult to conceive a better representative of these contending feelings than the able and accomplished writer, the title of whose works heads this article. Martinez de la Rosa * is a man whose mind, though certainly not deficient in power, is more

* We object to the addition of *Monsieur* to a Spanish name. The simple mention of the sirname is neither disrespectful nor offensive in Spain, when not addressing the person himself, and even then, only in certain cases. The title *Don* is applied exclusively to the Christian name, and becomes quite ludicrous when joined with the sirname alone. To avoid the length, and (in an English composition) the awkwardness, of the more complimentary form, *el Señor Martinez de la Rosa*, we shall take the liberty of making frequent mention of that distinguished Spanish writer simply by his family name.

remarkable for taste than vigour. While an undergraduate at Granada, his native town, he had the good fortune of having for his instructor one of the remarkable men who, about the time of the French Revolution, appeared almost simultaneously in several of the scattered colleges, or rather places of public education (without a body of Fellows), which, in Spain, as everywhere else except England, are called *Universities*. The name of the young professor who, at the risk of being lodged in the Inquisition, disturbed the slumbers of the reverend Members of Convocation — men who, pillowed by the ponderous volumes of Aquinas and Scotus, reposed under the comfortable impression that they had reached the utmost limits of human knowledge — was Heredia. That bold and able man was obliged, it is true, partly to modify, partly to suppress, the *Theses*, which roused the cowled tribes into open hostility against him; but he continued, like many others of his mental class, to assist some of the most promising youths near them in the private prosecution of studies, which gave their young friends a complete dislike for the established routine of the universities. Public professors of Heredia's stamp, and their pupils, have been, and are still the leaders of the *Liberal* party in Spain.

Martinez de la Rosa was a very young man when Napoleon's invasion produced that truly national resistance which finally turned to his complete ruin. Though Spain was too deeply sunk in ignorance and superstition to conduct her fierce and unequal struggle with any clear view of the future improvements and changes, which alone could prevent her noble efforts from eventually rivetting her chains; yet the people, almost instinctively, looked up for advice and direction to such men as were thought to possess a superiority of knowledge. Church dignitaries, and the most prominent monks, were chosen, as a matter of course, to be members of the original Juntas, in the expectation that they would prove themselves the firmest props of the tottering state. But the people began soon to perceive that the knowledge which made a popular preacher, and that required to direct the affairs of a nation, especially in times of danger, are not of the same kind. What it is that constitutes the science of a statesman very few Spaniards could even conjecture; but, as they grew more and more confident that it was not school divinity, they naturally fixed their eyes on those who were reported to have studied *something else*, whatever it might be. Men fond of history and antiquities (who went by the strange name of *curiosos*); such as had been under the suspicion of reading more French books than the Holy Tribunal allowed (distinguished by the name of *ilustrados—enlightened*), a class of people re-

garded with something like the fear, dislike, and desire of making use of them in time of difficulty, which attended able men suspected of the black art, in former days; but, above all, poets and prose writers of some elegance;—all such men enjoyed a considerable degree of popular favour, as soon as the idea of a reform in the constitutional laws of the country entered the mind of the Spanish people. It was at this period that Martinez de la Rosa, who for a few years had been known as a poet and an *ilustrado*, was appointed to the first Cortes at Cadiz, in 1812. On the Restoration of Ferdinand VII., in 1815, Martinez was tried, with many other deputies, for their opinions and votes. His sentence was eight years' confinement in one of the Spanish *Presidios*, or penal colonies, on the coast of Africa—the dwellings of the most atrocious and hardened criminals—places where every vice of the most hideous description stalks abroad in proud defiance of laws human and divine. He recovered his liberty when the military insurrection at the Isla, near Cadiz, compelled Ferdinand VII. to accept the constitution of 1812. Martinez de la Rosa re-appeared as a deputy to the Cortes of 1820; and, some time after, was appointed by the king to be one of his ministers of state. In 1823, when, supported by the arms of the French Bourbons, Ferdinand resumed the exercise of arbitrary power, Martinez saved himself by a seasonable flight into France. The collection of his works, which lies before us, proves that he continued to indulge his taste for literature during his exile, till, at the death of Ferdinand, Martinez, with other distinguished Spaniards who had taken refuge abroad, found it safe to return to their native country. Well known already for his talents, as well as for his moderation, he was appointed Prime Minister by the Queen Regent; and, at the moment when we write this, he still stands at the head of the Spanish government.

But we are not here concerned with Martinez de la Rosa as a politician. It gives us, nevertheless, great satisfaction to observe, how every succeeding year seems to spread and confirm, among the Spaniards, the conviction that neither birth nor wealth should be compared with cultivation of mind, when the question is a choice of leaders for the nation. The present Spanish Prime Minister is certainly a man of distinguished parentage; but this is merely accidental in regard to the place which he occupies. Men of no birth or connexions have been lately called to stations of power and influence, merely on account of their talents. From everything we hear concerning the present state of the Peninsula, we conclude that the prejudices of birth, long so inveterate, are fast disappearing among the Spaniards.

The Paris edition which we are using, contains an Art of Poetry, in verse; a long Commentary to that composition, in the form of Notes, occupying more than one volume, and the half of another; a poem on Zaragoza; La Viuda de Padilla (Padilla's Widow), a tragedy, preceded by a sketch of the Commoners' War under Charles V.; a comedy, with the title, La Niña en Casa y la Madra en la Máscara (The Young Lady at Home, and the Mother at the Masked Ball); a translation, in verse, of Horace's Epistola ad Pisones, with a Commentary or Exposition; Morayma, a tragedy, on a Moorish subject; and, finally, Edipo (Œdipus), a tragedy, in which the Spanish poet proposed to himself both an imitation of Sophocles, and a development of the plot, less subject to critical objections than that which is found in the numerous plays of the same name, ancient and modern. We are informed that there is a more recent edition, which contains, besides other compositions, a play written in French, by the same author.

We have considered it due to our distinguished Spaniard to give a list of his works, from which the English public may form some notion, if not of the individual merit of the compositions themselves, at least of the writer's persevering industry and confirmed taste for writing. Our limits prevent, of course, a detailed criticism of even the principal pieces in the collection; but we will endeavour to give some idea of their general character, and of the critical theory which, in our opinion, has cramped the genius of the author.

It must be mortifying to a professed poet to have his verse ranked below his prose. We regret to pass this judgment on the writer before us. Martinez de la Rosa writes Spanish prose with great propriety and elegance. Though almost superstitiously attached to the notion of what is called *Castillian purity*, his acquaintance with English, and his familiarity with French, have had the effect of preventing the affected and servile imitation of the phraseology of the old Spanish writers, and the heavy, involved, obscure, and frequently empty periods of the pretended models of Castillian style. Martinez has indeed ransacked the old writers for the words and expressions best adapted to the *European mode of thinking*, which is every day growing more and more translatable into all the languages of the civilized and improving world. He is a *purist*, without stiffness or quaintness. As to his verse, it is always fluent, harmonious and terse; but we should not be justified in attributing to it any higher merits. He appears, in poetry, as some nervous but aspiring persons appear in society, always wishing to strike and please, and always terrified at the possibility of saying or

doing something not exactly correct; a state of mind which might be called a literary *mauvaise honte*. A bold natural genius, a genuine mental passion for poetical elevation and grandeur, might have spurred our writer beyond the minute proprieties which give to his compositions the strict regularity of timidity. But, as we have observed already, he has more taste and feeling than vigour.

Martinez de la Rosa has, besides, cramped his inventive powers by his superstitious reverence for the rules of a most narrow, servile, and yet dogmatic criticism; dogmatism being, on all subjects, the natural result of short-sightedness and servility. His unbounded admiration for the writers of what, in Spain, is called the *Golden Age* of their literature—a period of little more historical truth than its namesake in Ovid—has induced him to take for his guides the most pedantic of the old Spanish philologists. As if, even in foreign countries, he attached himself to such writers as agreed with his national teachers, Martinez has studied, with deep reverence, the Dissertations, in which Corneille defended himself from the charge of disobeying Aristotle, with as much anxiety as if he had been suspected of rebellion against Richelieu. It is indeed painful to observe the injurious effects of this poetical orthodoxy upon our author's inventive as well as discriminating powers. He has but one measure and test for the merit of every dramatic composition which comes before him—the UNITIES. If the merit of the Spanish tragedies is questioned by a foreign critic, our poet conceives that he has made a proper defence by proving that the doctrine of the *Unities* was known in Spain at a very early period, but that it was wilfully disobeyed by the writers in question. He seems to expect every excellence from every poet who swears by that law; at all events he is ready to pardon him on every other score. He has, indeed, too much taste not to grant a high degree of merit to Shakspeare; but whatever offends him in his plays is attributed to the great poet's ignorance or contempt of Aristotle.

We beg our readers not to imagine that we make these observations with a view to lower the poet before us in their estimation. Our object is to present one of the best living specimens of the literature of Spain, that they may perceive the mental stage at which that nation finds itself at this moment. It has been said by a modern French writer, that Spain is only a faint echo of France, heard at the distance of fifty years.* The observation is true in politics, but the period of the echo is much

* We do not vouch for the verbal accuracy of the quotation. This is certainly the meaning of a passage which we recollect, but could not easily find, in the instructive Cours de Philosophie of Victor Cousin.

greater in literature. Martinez's critical notes, which, in regard to the history of Spanish poetry, are curious, accurate, and instructive, showing besides an exceeding sound judgment in the criticism of individual passages, are a very late and unseasonable echo of the Abbé Batteux, and the French æsthetic writers of that period.

We are not so bigoted in favour of what is now called the *Romantic School* of Poetry, as to condemn indiscriminately the advocates and professed teachers of the classical. If we may be permitted to borrow a German phrase, which is in the progress of naturalization, we condemn the classical theory of the drama as *one-sided*; as a hasty generalization derived from a very limited class of poetical phenomena, and grounded upon a *realism* (a system of *material* or *literal* imitation) quite oppressive to every truly poetical mind. If we consider the theatre as a helping instrument to that art which employs language, with its highest ornament, in order to produce an *ideal* (not technical and material) imitation of men acting as rational beings, struggling with, or giving way to passions; impelled by desires virtuous, or vicious, or mixed; contending with difficulties, which they sometimes overcome, and to which sometimes they fall victims—we must perceive that the classical theory proceeds upon a supposition essentially erroneous. The error consists in taking the *material* representation of the interesting transactions, which the poet is to invent, as the chief aim of the art. The eye, not the mind, is made the object—the *final cause*, and, consequently, the supreme rule of dramatic poetry. Overlooking the great principle that all the Fine Arts, and, still more, the Arts of Speech (Belles Lettres), are *symbolical, i.e.* produce their imitations not by employing materials of the same kind as the thing imitated, but in the manner of *symbols*, which raise in the mind ideas to which they have no likeness—the supporters of the Dramatic Unities wish to mix together a *material copy* with an *artistical imitation*; and, what is still more unreasonable, to make the latter give way to the former. Because the visible space where the actors move has only certain dimensions, and the men and women who are made to represent the ideal conceptions of the personages which the poet has formed and intends to convey to the minds of others, cannot move from one place to another quicker than at a certain rate, it is supposed that the poetical imitation or image of the transaction must be confined to the space which the boards allow, and no more; the imaginary scene must not be changed. The same paltry realism must be observed in regard to time. We say nothing of the unity of action, for that being reducible to the unity of interest, or effect, at which all *ideal* imitations must aim, does not fall under the

realism which we are condemning. The poet, who has to submit to the classical theory, might be compared to a painter who should be obliged to execute a historical composition upon a certain piece of canvass of an irregular shape, leaving no corner unoccupied, and taking in, instead of colouring, certain patches of light admitted by the canvass in the way of a transparency.

Dramatic poetry does not essentially differ from narrative poetry. That the ideal actors concerned in the facts of the narrative, are conceived by the poet as speaking in the first person—which is the characteristic of the dialogue—is an accidental circumstance. Such a poetical conception should not be more limited by *real* time and space, than any other narrative. Such a composition may be *perused*—leaving to the imagination of the reader, excited by the poet, to draw, as it were, the internal visible picture,—the truly artistical imitation, which is the final object of *ideal*, not *material*, art. The same composition may be *recited* by one person; and provided that the tones and expressions be well suited to the poet's conception, the effect on the imagination of the hearers will be increased. The composition may finally be *recited* by as many persons as the poet has introduced in his story; and these, more than a single reader, may assist the imagination of the audience by gesticulations, motions, and even by the dresses in which they appear. The *place* from which these persons recite their parts may also contribute to the same effect, by presenting to the eye a graphically-painted scene, similar to that in which the poet conceived his ideal actors to exist. But all these are *means*, accessary means, to assist the ideal imitation, for the production of which, in others, the poet has already prepared the *essential* means, his narrative in dialogue. To make that narrative subservient to the *material* accessaries of the *recitation*, is to invert the natural order and dignity of things: it is worse than subjecting Wilkie to the frame carver, or Chantry and Behnes to the professional wants of the puppet-show-man. All the *organism* of the theatre should be considered as *helps* to the mind, to stimulate it, not to guide it mechanically. Now, if, in the reading or recitation of a novel, the mind—which is to have the pictures raised within itself by the language of the writer—does not feel any difficulty or reluctance to move, as it were, from place to place, (for the whole imitation produced exists within the mind, and is called into existence by its powers, artistically excited,) why should that reluctance be conceived at the theatre, unless those who compose the audience are absurdly persuaded that what is intended is not an *ideal*, but a *material* imitation?

We have often asked ourselves the question, how is it that the

wonderful genius of Sir Walter Scott neglected the stage, and devoted its powers to a perfectly modern species of composition, so analogous in its effects to the drama, that it actually has supplanted the theatre among the more refined classes of society in England? Our opinion is, that he perceived and scorned the fetters which even the English theatre—one which, as to *dramatic theory*, is quite lawless—fastens upon the highest faculties of the poet. Though the demands of the theoretical rules are not felt by those who supply the English stage with compositions, yet those of the *material* part of the representation—the demands of the *show*—are exorbitant and oppressive. Sir Walter Scott must have been convinced that all that the best acting—that highest and noblest *assistance* which the stage may give the poet—can add to the poetical effect of a composition (we use *poetical* in its broadest sense), is seldom a compensation for the restraints, the *materialism*, of the theatre. We must express our conviction, at the risk of some popular disapprobation, that as the drama began in the character of a show, in the early growth of refined society, so it must gradually return to its origin, and become little more than a *show*, fit only for those classes of society which, in respect to high civilization, must always exist in a relative infancy.

In the time of Sophocles and Euripides, the highest talents were forced, for the sake of applause, to accommodate themselves to the demands of a popular show. The Greek tragedy owed its origin to nothing but the taste of a lively populace for exhibitions which please the eye. The measured evolutions and the singing of the chorus; the architectural (not painted) decorations of the scene, and the body of the theatre in which the spectators sat, were the essence of the show, to which the poet had to accommodate his poem. But here he had advantages which the modern imitators of those individual dramas do not possess. The spectators were far from expecting any gratification of that curiosity which feeds on narrative. The plots were not intended to satisfy that craving; on the contrary, subjects traditionally known were deemed the best, because they were understood without the necessity of close attention. No theatrical *illusion* was thought of; the masks of the actors were more opposed to it than our knowledge of their countenances. If the representation of the *Eumenides* had really the power of throwing a set of rustic dames into hysterics, the same effect might be produced at any of the exhibitions of wax figures, supposing they were frightful enough, and properly put into motion.

The conditions of the *show* were the laws to which the Greek poet had to submit. The pretended æsthetic laws of the classical

drama are nothing but those conditions abstracted and generalized. How oppressive these laws were to poetical genius, may be known by the numerous marks of crippling restraint which even the best specimens of the ancient drama present in their outline. But the case of the modern poet is infinitely more hard. The Greek crowd, chiefly intent upon the show, soothed by the sounds of a harmonious language, awed by the artificial stature, visages, and vocal sounds of the actors, no less than by the religious associations which their ancient fables excited, did not expect anything from the poet beyond some deeply-moving passages, and a few highly-coloured praises of their ancestors and country. The more refined part of our modern audiences care little for the *show*; they want something more intellectual; they want, in fact, an *interesting novel* in action. But a good novel is infinitely more powerful to please, in reading, than in acting. The contents of the three octavo volumes, which the body of publishers has fixed as the extent of unity of space, not only allowable, but required in this composition, would require a first, second, and third part of the same play; and the play-goers, who fill the London theatres, would strongly suspect that the poet had been bribed by the manager to make them purchase three tickets in consequence of having ventured to get one. Difficulties of this kind will not be encountered by men of true poetical genius, unless there is a powerful stimulus to urge them —unless the circumstances of the country leave them no other path to take in the pursuit of fame. Thus it is that dramatic composition is generally left, in England, to that kind of talent which condescends to be the interpreter of a show; to prepare the exhibition of a battle, the storming of a fort, the conflagration of a city, or the appearance of an elephant on the stage.

In France, where the popular taste, till the Revolution, depended on fashion, and moulded itself upon the taste of the court, the people were gradually trained to the classical school of the drama. As success, in that literary department, was for a long time an object of the highest ambition, the first talents of the nation submitted to the restraints of the Aristotelic laws. This explains the unquestionable superiority of the French in that sort of composition. We doubt, however, that having been deprived of the support and stimulus which it had under the old monarchy, it will continue to prosper. Comedy, as a pleasing representation of domestic manners and feelings—as a vehicle of delicate satire and enlivening wit—has its root in the very hearts of the French people, and must flourish among them under all circumstances. But the period of the Aristotelic tragedy is quite gone by, and the Parisians are not ashamed, at

this moment, to be amused and interested by Le Juif Errant, the action of which developes itself in the moderate space of about eighteen hundred years.

In Spain, where, since the accession of the House of Bourbon, and the contemporary introduction of French taste in literature, various attempts have been made to write original tragedies *according to rule*, there is scarcely one of these dramas which rises above mediocrity. That which the writer of this article remembers with most pleasure is La Raquél (Rachel), by Huerta. Martinez de la Rosa has some excellent observations on the beauties and defects of this play. Readers of Spanish will find in his Notes on Tragedy a very instructive account of the trials of this kind which have been made in his country. We particularly recommend his account of Spanish Comedy, especially in connection with Lord Holland's interesting Life of Lope de Vega.

We must now lay before our readers a view of the plan of La Viuda de Padilla, the most celebrated of Martinez's poems. As the struggle against the arbitrary rule of the Crown, which began at Cadiz, with the framing of the Spanish Constitution, evidently led our author to that subject, so must the same circumstance have greatly contributed to the popularity of the tragedy. The subject is well known to every one who has read Robertson's History of Charles V. The historical sketch of the War of the Commoners, prefixed by Martinez to his play, deserves particular attention. The action of the tragedy is confined (according to the law of the *Unities*) to a few hours of the day and night which terminated the resistance of Toledo against Charles's forces. The widow of the unfortunate Padilla, the renowned chief of the Commoners, wishing to avenge the death of her husband, who, being taken prisoner at the battle of Villalár, had been put to death by the hands of the executioner, was at the head of this noble, but hopeless resistance. The play opens with a dialogue between that spirited woman and Guzman, her faithful adherent, where she is informed of the approach of the king's troops to the walls, as if determined to take the place by assault. He describes the people in a state of growing despondency, and implores her to save herself, with her infant son. She scorns the proposal; and retires on seeing Laso, whom she suspected of an inclination to betray the cause of the insurrection. Laso endeavours to persuade Mendoza to save his own life by a timely surrender, and supports this advice by the account he gives him of the secret determination taken by the principal inhabitants to open the gates to the enemy. Mendoza, induced by the assurance that Laso had obtained the

Widow's pardon, agrees to join in the surrender. At this moment Padilla's father arrives from the camp, bearing an offer of general pardon.

The second act is nearly reduced to a long dialogue between Padilla's father and his Widow, concerning the surrender of the city. The political allusions to the state of the Peninsula, when this tragedy was represented for the first time at Cadiz, could not fail to have an effect upon the audience, far above that which the applauded passages could have produced by themselves.* We subjoin, as a specimen, a few of the best verses of the whole composition. Convinced that *poetical* translations, especially of verses of no great intrinsic merit, owing to the insuperable reluctance of the translator to imitate *defects*, cannot give a correct idea of the original, we venture to imitate Sismondi in his Literary History of the South of Europe, and add a prose version of the passage. Several others of the same kind might be selected from the whole collection; but we must spare such of our readers as cannot understand Spanish.

Viuda. Juramos
Ser libres ó morir; y el cielo mismo,
Que dió el injusto triunfo á los tiranos,
Nuestro voto aceptó: pues que nos veda
El ser libres, nos manda que muramos.

Lopez. Ten el labio; no insultes imprudente
Al cielo con tus voces: irritado
De tanta y tanta sangre derramada,
Solo la paz prescribe, que entre hermanos
Jamas debió romperse.

Viuda. No lo eran
Los que á la patria misera cargaron
De cadenas; sus crudos enemigos
Llamense, y no sus higos . . . Castellanos
Y ansiar la esclavitud! No, no lo eran.

Lopez. Cuando yerma la patria y desangrado
El reino en ocho siglos de combates,
Apenas respiraban del insano
Yugo agareno; entonces mas furiosos
Contra nosotros mismos desnudamos
El acero homicida, de la patria
El afligido seno destrozando?
Duélete de su mal; y no redoblen
Sus mismos hijos su mortal quebranto:
Duélete; que harta sangre, hartos horrores
Le costó sacudir el yugo extraño.

Viuda. Yel proprio ha de sufrir? . . .

* The performance took place in July, 1812, on a stage hastily erected out of the average range of the French shells. The Cadiz theatre was in constant danger during the bombardment.

(TRANSLATION.)

Widow. We swore either to be free or to die; and heaven, that same heaven which granted an unjust triumph to the tyrant, accepted our vows. Since, therefore, heaven forbids us to be free, it commands us to die.

Lopez. Stop thy lips: do not rashly insult heaven with thy words. Incensed by the vast effusion of blood, heaven prescribes only peace: peace which ought never to have been broken between brothers.

Widow. Those are surely not our brothers who have loaded our miserable country with chains: call them her bitter enemies—not her children. They Castillians! and courting slavery! It cannot be. Such men were not Castillians.

Lopez. When our country lay waste, and eight centuries of war had drained our blood—just when the nation began to breathe, delivered from the Agarene yoke—how could we, at that moment, bare the sword to stain our country's bosom with her own blood! Take pity on her calamities. May not her own children multiply her sufferings? Pity her, I repeat. Enough already is the blood which she has paid as a ransom to be free from a foreign yoke.

Widow. Must she then endure a domestic one?

This scene is one of the best in the play; but, as this portion shows, it never rises above well-written rhetorical declamation.

At the beginning of the third act, the Junta* of Toledo receive Lopez in public, and listen to the proposal of surrender; but when the people appear inclined to accept the conditions, the Widow of Padilla addresses them, and they reject the proffered amnesty, with the usual cries of *Padilla* and *Liberty!*

Act IV. opens in the night, the time appointed by the chief citizens for admitting the king's troops. Laso, after a decent resistance on the part of Mendoza, induces that true friend of Padilla's widow to join the emperor's troops, and save her against her will. A moment after, she meets Mendoza. She has learnt the design of the conspirators against the town; and having herself alarmed the partizans of liberty, she now entreats Mendoza to put himself at their head. His hesitation makes her suspect him: she reproaches him for his treachery; and he, wishing to justify, if not his conduct, his motives, goes out, determined to save her, even at the risk of his own life.

A rather long soliloquy of the Widow, who is in the act of flying from the royal troops, now in possession of the town, begins the fifth act. Mendoza—who, to clear his former conduct, has in vain attempted to lead the people against the troops, and whose life has been saved by one of the royalist captains—acquaints the Widow with the full extent of her misfortune. She implores him to take her life. The troops approach, proclaiming pardon to the heroine. But she spurns

* This was the origin of the name so generally given to the popular governments appointed by the Spanish provinces in 1808.

the boon, and destroys herself with a dagger, which she had hitherto concealed.

Without a single fault of style or arrangement, this play is so totally deficient in warmth, in real elevation and vigour—it is so completely argumentative and declamatory, that we are strongly inclined to think that the account just given of the subject is more likely to raise interest than the play. And yet the mental powers of the author are not of a common stamp. What, then, has thus deprived him of life and vigour, leaving him nothing but a polished and formal stateliness?—His false theory of the drama. That theory, like a vampire, has drained the very life-blood of his poetical mind. Were it not so;—had he nourished his imagination with more invigorating food than that which the dissection and analysis of French plays can afford—had he studied Shakspeare and Schiller with less prejudice, and tried to discover the source of their beauties—Martinez de la Rosa would not have fallen so short of the excellence to which he might aspire without presumption.

To one acquainted, as our author is, with the original Spanish documents from which he drew his sketch of the War of the Comunidades, the great difficulty, in the arrangement of his play, would be the abundance of dramatic materials. The letters of Guevara, bishop of Mondoñedo, which he had before him, might have given him several characters, so marked, so true, as could not fail of success on the stage. Guevara himself was sent by the king's government to the Junta of Tordesillas, with proposals to the insurgents; and his speech on that occasion, though extremely pedantic, gives a vivid idea of the man himself. But the most dramatic character is that of Acuña, bishop of Zamora, a man who, at a very advanced age, not only directed the whole body of the insurgents by his counsels, but fought like the bravest of them, at the head of three hundred armed priests. It was this band, almost alone, that made a gallant defence of Tordesillas, when, by Padilla's want of military skill, the Conde de Haro surprised it in the night, carrying away the unfortunate queen Joanna, called *la Loca* (the insane), in whose name, as the legitimate sovereign of Spain, the insurgent leaders obtained a ready obedience from a considerable part of Spain. This unhappy woman might have been made an object of the most intense interest in a play not hampered by the *Unities*. It is indeed not improbable, that the mental imbecility under which she laboured after her husband's death, was exaggerated for the ambitious purposes of her son Charles: at all events, the existing doubt might have afforded an admirable opportunity of exciting interest. It is a historical fact that she gave

a public audience to the deputies of the Commoners; and it is reported that she took a very warm interest in the complaints of her subjects. She seemed to wake from a long dream, and to regain a clear recollection of the past. What a scene might be made of this! What a picture might be drawn of the calamities of Spain, in connection with the personal afflictions of the unhappy Joanna, for a moment reseated on her throne; but dimly foreseeing her relapse into the deep melancholy which bound her, day and night, to the side of the coffin which contained the remains of her husband!

But we will not leave our readers to conjecture. They will, we trust, pardon us, if, to a certain degree, we break the reviewing Unities, for the sake of giving them a slight taste of the rich matter which has been overlooked in Guevara's Letters. Here are some extracts, taken from the translation of Edward Hellowes, Groome of the Leash, imprinted at London, 1577, in black letter. The translator found himself sometimes at a loss to understand his original; but we shall take care to correct his mistakes.

'A letter unto the bishop of Zamora, Sir Anthonie of Acuña, wherein he is sharply reprehended, for that he was capteine of the commons that rebelled in Spaine.

'Reverent and seditious prelate, Zalobreña, the sergeant of your band, gave me a letter of yours, which presently I could not understand, but after I had read and returned again to reade the same, I did see it was no letter but a bill (a challenge) that the Bishop of Zamora had sent: wherein he did defie and threaten that he would kill me, or command me to be chastised. The cause of this defiaunce your lordship declareth to proceed for that in Villa Branima. I withdrewe Sir Peter Giron from your partialitie and counselled him to cease to follow you, and retire to serve the king. I, my lord, do accept your defiaunce and hold myself defied, not that wee kil our selves but that we examine our selves, not to the end we go unto the field, but to incommend our selves to reason: which reason as a viewer of our facfes shall declare, whether of us is moste culpable, I in following and obeying the king, or you in altering and revolting the kingdome. I remember me, being as then but young in [Treceño, a village which belongs to our entail of Guevara,]* I did see my uncle Sir Ladron and Sir Beltran, my father, mourne in black for your father, and (in very trueth my Lord Bishop) seeing you as I did see you in Villa Branima compassed with artillerie, accompanied with souldiours, and armed at all pointes: with more occasion we might weare [sackcloth] because you live, than black for your father died . . . . A certeine gentleman of Medina (who is named John Zuazo) reported that being appointed to have the oversight of your bringing up, he was driven to change foure nursses in six monethes; for that in nursing you were fierce, wayward, and importune in sucking. It seemeth unto me,

* We put corrected passages between brackets.

my Lord Bishop, that since in your childhoode you were so painefull, and in your life so seditious, it were greate reason that in your olde yeares you shoulde be quiet: if not for your deserving, yet to repose you shoulde seeke quietnesse: holding as you have in youre possession three-score yeares completed, and shortely maye you boaste youre selfe of three score and tenne accomplished, it seemeth to me no evil counsel that you offer [the bran, at least, to God, having given so much flour to the Devil.] . . . To make of souldiers priests, it passeth, but of priests to make souldiours is an acte most scandalous: whereunto I will not say your Lordship consented, but that you exactly have performed. You brought from Zamora to Tordesillas three hundred Massing Priestes, not to instructe the kinges subjectes, but to defend the Towne against the king: and to remove your Lordship from evill tongues, as also for the better salvation of their soules, you brought them from Zamora in the middle of Lent, in such wise that like a good pastor, and an excellent prelate, you removed them from praying to fighting. In the assault which the Gentlemen (the Aristocrats) gave at Tordesillas against your bande, I saw with mine eyes one of your priests with a harquebuse overthrowe eleven men [from behind a battlement] and the grace was that [before] he levelled to shoote, he [made the sign of the cross with his piece over them.']

We must stop this extract for the sake of one or two others. But this single letter contains materials for a novel. A little farther on, we have an account of the motives of personal interest or ambition, which were attributed to every one of the leaders of the commoners. A distinct character of each might be drawn from Guevara's hints. But the portrait of Bishop Acuña stands most prominent. Here we have another striking contrast between the two bishops.

'Reverend and disquiet bishop, by the letter of Quintanilla of Medina, I was advertised in what manner your Lordship received my letter, and also understood, that in the ende of reading thereof, presently you began to [grunt and to say], "Is this a thing to be suffered, that the tongue of frier Antonie of Guevara may be of more power than my lance? and that he be not contented to have withdrawen Sir Peter Giron (even from betwixt our hands) but also now even here doth write me a thousand blasphemies?" It hath much pleased me, that my letter was so [well poisoned that the power of the herbs was so quickly felt at the heart], for I did not write that you should read it, but that you should read and feele it.' . . .

Guevara's letters to Padilla and his wife might have enabled the poet to have given individuality to his personages, and reality to his descriptions. Even if he wanted to enliven a romantic play with a character somewhat similar to the inimitable Friar of Wallenstein's Camp, the sketch was ready prepared by Guevara. A Biscayan priest (he informs us) who had the living of a village called Medina, being passionately

attached to the Commoners, used, on Sundays, to give out, as a bidding prayer, an Ave-Mary for the prosperity of the Comunidades; another for his Majesty Juan de Padilla; another for her Majesty Donna Maria de Padilla; and 'may God preserve them, for they alone are legitimate, and all others are tyrants.' It happened, however, that Padilla marched with some troops through that place. The priest, to show his public spirit, asked to entertain as many soldiers as his house could hold. But one of them made love to the priest's housekeeper (a most important personage in a priest's house), and induced her to run away. The rest of the soldiers amused themselves in devouring the contents of the well-stocked larder, and draining the cellar. On the Sunday, after the soldiers had left the village, the inhabitants were surprised to hear the vicar give out from the altar king Charles and queen Donna Joanna, adding, with much unction, 'My brethren, you are aware that when Don Juan de Padilla stopt here, his soldiers did not leave me one fowl in my yard, not a drop of wine in the jars' (so it is frequently kept in Spain), 'not an ounce of *tocino*' (pickled pork) 'in the larder; and, besides all this, they carried away my Kate: wherefore I exhort, advise, and command you, not to pray for him, but for Charles and Joanna, who are the true king and queen, and to give those other Toledo sovereigns to the Devil. Amen.'

Such a rich mine of dramatic character and effect might our Spanish poet have worked; but the laws of the *Unities* deterred him; and he has given to the world a mere declamation in dialogue, with a few well-turned sentences on political liberty. Many, no doubt, of the French plays, written under that restraint, are, nevertheless, admirable compositions; but their merit arises from a combination of the great talents of the poet, with the lucky coincidence of a subject where the condensed interest of a single passion (generally love) may be conveyed to an audience through a very short narrative or exposition in action. But this is too narrow a field for Art. Unless the poet gives us a vivid picture of the workings of some individual human mind —unless that mind is beheld as 'a thing of life,' acting and re-acting upon others, moving in some portion of this sphere of our existence which we instantly recognise; in a word, unless it is seen in nature, as nature draws its own picture in our souls—vast, varied, mysterious—the poet's labour is thrown away. It is on this ground that we object to the *Unities*. If Europe possessed a sufficient number of poets, with that degree of genius which would enable them to enlarge the number of successful classical tragedies at the rate of even twenty a year,

we should lament such a waste of industry, ingenuity, and talent. There would be, even in that case, not only waste, in regard to the poets themselves, but actual loss to the literary world; for innumerable subjects, which, through the hands of such writers, might convey delight and instruction, would necessarily be left untouched. Why then should the poet be thus shackled and confined? The only *unity* which, as it was observed before, deserves attention, is the *Unity of Interest;* and all that this unity requires is, that one part of the composition do not oppose or injure the effect of another. We would not advise the writer of a drama to entangle and confuse his *acted story*, by giving the history, pedigree, and adventures of every friend and relation of the hero or heroine. The Unity of Interest must, indeed, be held sacred by every adept in the Literary, as well as in the Fine Arts. But this unity is not broken by every thing that is not essentially connected with the main design; nor is it necessary for the highest tragic effect to remove every object of a *general* character even directly opposite. When witnessing, many years ago, a shipwreck, in which some men perished, a sudden gleam of sunshine happened to dance upon the waves, just on the spot where the unfortunate sailors had sunk to rise no more;—we felt convinced, and the conviction will follow us to our last breath, that we had viewed the most heart-rending combination of objects which visible nature can offer to such beings as we are.

In conclusion, we must protest that far from intending to turn away Spanish scholars from Martinez de la Rosa's works, we wish those works to become as popular in England as circumstances allow. Few Spanish books could afford the student of that language a better specimen of the good Spanish of our own times; and fewer still could give him a more accurate and pleasing history of Spanish poetry. The present and past exertions of the author, in favour of the liberty of his country; his sufferings in that cause, and the high and influential station which he occupies, must be sources of a lively interest to every one who, animated by a love of the progress of mankind, shall become acquainted with the refined, enlightened, and evidently amiable mind, which could bear literary fruits so near maturity and richness, under the overcast skies of Spain. Martinez de la Rosa has our heart's best wishes, in the difficult and important task which, to the credit of the Queen Regent of Spain, must now interrupt his more pleasing and favourite pursuits.

W.

Art. V.

PROFESSOR SEDGWICK'S DISCOURSE.—STATE OF PHILOSOPHY IN ENGLAND.

A Discourse on the Studies of the University. By Adam Sedgwick, M.A., F.R.S.; Woodwardian Professor, and Fellow of Trinity College, Cambridge. 1834. 3d edit.

IF we were asked for what end, above all others, endowed universities exist, or ought to exist, we should answer—To keep alive philosophy. This, too, is the ground on which, of late years, our own national endowments have chiefly been defended. To educate common minds for the common business of life, a public provision may be useful, but is not indispensable: nor are there wanting arguments, if not conclusive, yet of considerable strength, to show that it is undesirable. Whatever individual competition does at all, it commonly does best. All things in which the public are adequate judges of excellence, are best supplied where the stimulus of individual interest is the most active; and that is, where pay is in proportion to exertion: not where pay is made sure in the first instance, and the only security for exertion is the superintendence of government; far less where, as in the English universities, even that security has been successfully excluded. But there is an education of which it cannot be pretended that the public are competent judges; the education by which great minds are formed. To rear up minds with aspirations and faculties above the herd, and capable of leading on their countrymen to greater achievements in virtue, intelligence, and social well-being; to do this, and likewise so to educate the leisured classes of the community generally, that they may participate, as far as possible, in the qualities of these superior spirits, and be prepared to appreciate them, and follow in their steps—these are purposes, requiring institutions of education placed above dependence upon the immediate pleasure of that very multitude whom they are designed to elevate. These are the ends for which endowed universities are desirable; they are those which all endowed universities profess to aim at; and great is their disgrace, if, having undertaken this task, and claiming credit for fulfilling it, they leave it unfulfilled.

In what manner are these purposes—the greatest which any human institution can propose to itself—purposes which the English universities must be fit for, or they are fit for nothing—performed by those universities?——*Circumspice.*

In the intellectual pursuits which form great minds, this

country was formerly pre-eminent. England once stood at the head of European philosophy. Where stands she now? Consult the general opinion of Europe. The celebrity of England, in the present day, rests upon her docks, her canals, her railroads. In intellect, she is distinguished only for a kind of sober good sense, free from extravagance, but also void of lofty aspirations; and for doing all those things which are best done where man most resembles a machine, with the precision of a machine. Valuable qualities, doubtless; but not precisely those by which man raises himself to the perfection of his nature, or achieves greater and greater conquests over the difficulties which encumber his social arrangements. Ask any reflecting person in France or Germany his opinion of England; whatever may be his own tenets—however friendly his disposition to us—whatever his admiration of our institutions, and even his desire to introduce them into his native country; however alive to the faults and errors of his own countrymen, the feature which always strikes him in the English mind is the absence of enlarged and commanding views. Every question he finds discussed and decided on its own basis, however narrow, without any light thrown upon it from principles more extensive than itself; and no question discussed at all, unless parliament, or some constituted authority, is to be moved to-morrow or the day after to put it to the vote. Instead of the ardour of research, the eagerness for large and comprehensive inquiry, of the educated part of the French and German youth, what find we? Out of the narrow bounds of mathematical and physical science, not a vestige of a reading and thinking public engaged in the investigation of truth *as* truth, in the prosecution of thought for the sake of thought. Among no class except sectarian religionists—and what they are we all know—is there any interest in the great problem of man's nature and life: among no class whatever is there any curiosity respecting the nature and principles of human society, the history or the philosophy of civilization; nor any belief that, from such inquiries, a single important practical consequence can follow. Guizot, the greatest admirer of England among the continental philosophers, nevertheless remarks that, in England, even great events do not, as they do every where else, inspire great ideas. Things, in England, are greater than the men who accomplish them.

This torpid state of the national mind on the noblest subjects of thought would not be surprising, if in other respects the English were a declining people; if all intellectual energy and

manly activity were, as in the later times of the Roman empire, verging towards extinction. But the direct contrary is the fact. Since the time when the English philosophers gave the law to Europe, England has maintained and added to every other superiority which she possessed. She has advanced immeasurably in wealth, still more immeasurably in power; civilization has spread to the remotest corner of her territory; the manners of her people have been humanized, their tastes refined; they have outstripped all nations in what most distinguishes a civilized people from barbarians, the power of co-operating for a common object; in the diffusion of reading, of philanthropy, of interest in public affairs, no other people in the Old World can be compared with them. While all these changes have been taking place for the better, in the minds and condition of those whom our two great endowed seminaries do *not* educate, there must be some grievous defect in the training of the classes whom those establishments do educate, to account for the low state of all higher pursuits; of the pursuits which the very existence of universities is but a means to the cultivation of—and in which it is the duty of such establishments to send forth their pupils qualified, some to extend the bounds of knowledge itself, and all to enter into its spirit, and turn it to account for the purposes of life.

But perhaps this degeneracy is the effect of some cause over which the universities had no control, and against which they have been ineffectually struggling. If so, those bodies are wonderfully patient of being baffled. Not a word of complaint escapes any of their leading dignitaries—not a hint that their highest endeavours are thwarted, their best labours thrown away; not a symptom of dissatisfaction with the intellectual state of the national mind, save when it discards the boroughmongers, lacks zeal for the church, or calls for the admission of Dissenters within their precincts. On the contrary, perpetual boasting how perfectly they succeed in accomplishing all that they attempt; endless celebrations of the country's glory and happiness in possessing a youth so taught, so mindful of what they are taught. When any one presumes to doubt whether the universities are all that universities should be, he is not told that they do their best, but that the tendencies of the age are too strong for them; no—he is, with an air of triumph, referred to their fruits, and asked, whether an education which has made English gentlemen what we see them, can be other than a good education? All is right so long as no one speaks of taking away their endowments, or encroaching upon their monopoly. While they are thus

eulogizing their own efforts, and the results of their efforts; philosophy—not any particular school of philosophy, but philosophy altogether—speculation of any comprehensive kind, and upon any deep or extensive subject—has been falling more and more into distastefulness and disrepute among the educated classes of England. Have those classes meanwhile learned to slight and despise these authorized teachers of philosophy, or ceased to frequent their schools? Far from it. The universities then may flourish, although the pursuits which are the end and justification of the existence of universities decay. The teacher thrives and is in honour, while that which he affects to teach vanishes from among mankind.

If the above reflections were to occur, as they well might, to an intelligent foreigner, deeply interested in the condition and prospects of English intellect, we may imagine with what avidity he would seize upon the publication before us. It is a discourse on the studies of Cambridge, by a Cambridge Professor, delivered to a Cambridge audience, and published at their request. It contains the opinion of one of the most liberal members of the University on the studies of the place; or, as we should rather say, on the studies which the place recommends, and which some few of its pupils actually prosecute. Mr. Sedgwick is not a mere pedant of a college, who defends the system because he has been formed by the system, and has never learned to see anything but in the light in which the system showed it to him. Though an intemperate (witness his replies to Mr. Beverley), he is not a bigoted, partisan of the body to which he belongs; he can see faults as well as excellences, not merely in their mode of teaching, but in some parts of what they teach. His intellectual pretensions, too, are high. Nor of him can it be said that he aspires not to philosophy; he writes in the character of one to whom its loftiest eminences are familiar. Curiosity, therefore, cannot but be somewhat excited to know what he finds to say respecting the Cambridge scheme of education, and what notion may be formed of the place from the qualities he exhibits in himself, one of its most favourable specimens.

Whatever be the value of Professor Sedgwick's discourse in the former of these two points of view, in the latter we have found it, on examination, to be a document of considerable importance. The Professor gives his opinion (for the benefit chiefly, he says, of the younger members of the University, but in a manner, he hopes, 'not altogether unfitting to other ears') on the value of several great branches of intellectual culture, and on the spirit in which they should be pursued. Not satisfied

with this, he proclaims in his preface another and a still more ambitious purpose—the destruction of what he terms the Utilitarian theory of morals:—

'He has attacked the utilitarian theory of morals, not merely because he thinks it founded on false reasoning, but because he also believes that it produces a degrading effect on the temper and conduct of those who adopt it.'—*Preface.*

This is promising great things: to refute a theory of morals; and to trace its influence on the character and actions of those who embrace it. A better test of capacity for philosophy could not be desired. We shall see how Professor Sedgwick acquits himself of his two-fold task, and what were his qualifications for undertaking it.

From an author's mode of introducing his subject, and laying the outlines of it before the reader, some estimate may generally be formed of his capacity for discussing it. In this respect, the indications afforded by Mr. Sedgwick's commencement are not favourable. Before giving his opinion of the studies of the University, he had to tell us what those studies are. They are, first, mathematical and physical science; secondly, the classical languages and literature; thirdly (if some small matter of Locke and Paley deserve so grand a denomination), mental and moral science. For Mr. Sedgwick's purpose, this simple mode of designating these studies would have been sufficiently precise; but if he was determined to hit off their metaphysical characteristics, it should not have been in the following style:—

'The studies of this place, as far as they relate to mere human learning, divide themselves into three branches: first, the study of the laws of nature, comprehending all parts of inductive philosophy. Secondly, the study of ancient literature, or, in other words, of those authentic records which convey to us an account of the feelings, the sentiments, and the actions, of men prominent in the history of the most famous empires of the ancient world: in these works we seek for examples and maxims of prudence and models of taste. Thirdly, the study of ourselves, considered as individuals and as social beings: under this head are included ethics and metaphysics, moral and political philosophy, and some other kindred subjects of great complexity, hardly touched on in our academic system, and to be followed out in the ore mature labours of after life.'—p. 10.

How many errors in expression and classification in one short passage! The 'study of the laws of nature' is spoken of as one thing, 'the study of ourselves' as another. In studying ourselves, are we not studying the laws of our nature? 'All parts of inductive philosophy' are placed under one head; 'ethics and metaphysics, moral and political philosophy,' under another.

Are these no part of inductive philosophy? Of what philosophy, then, are they a part? Is not all philosophy, which is founded upon experience and observation, inductive? What, again, can Mr. Sedgwick mean by calling 'ethics' one thing and 'moral philosophy' another? Moral philosophy must be either ethics or a branch of metaphysics—either the knowledge of our duty, or the theory of the feelings with which we regard our duty. What a loose description, too, of ancient literature—where no description at all was required. The writings of the ancients are spoken of as if there were nothing in them but the biographies of eminent statesmen.

This want of power to express accurately what is conceived, almost unerringly denotes inaccuracy in the conception itself: such verbal criticism, therefore, as the above, is far from unimportant. But the topics of a graver kind, which Mr. Sedgwick's Discourse suggests, are fully sufficient to occupy us, and to them we shall henceforth confine ourselves.

The Professor's survey of the studies of the University commences with 'the study of the laws of nature,' or, to speak a more correct language, the laws of the material universe. Here, to a mind stored with the results of comprehensive thought, there lay open a boundless field of remark, of the kind most useful to the young students of the University. At the stage in education which they are supposed to have reached, the time was come for disengaging their minds from the microscopic contemplation of the details of the various sciences, and elevating them to the idea of Science as a whole—to the idea of human culture as a whole—of the place which those various sciences occupy in the former, and the functions which they perform in the latter. Though an actual analysis would have been impossible, there was room to present, in a rapid sketch, the *results* of an analysis of what Hobbes and Descartes would have called the *methods** of the various physical sciences—*i.e.*, the processes by which they severally arrive at truth: the peculiar logic of each science, and the light thrown thereby upon universal logic: the various kinds and degrees of evidence upon which the truths of those sciences rest; how to estimate them; how to adapt our modes of investigation to them: how far the habits of estimating evidence, which these sciences engender, are applicable to other subjects, and to evidence of another kind; how far inapplicable. Hence the transition was easy to the more extensive inquiry, what these physical studies are capable of doing for the mind; which of the habits and powers that constitute a fine intellect

* *Method*, the *methodus philosophandi*. The employment of the word to denote order and arrangement, is a modern corruption.

those pursuits tend to cultivate; what are those which they do not cultivate, those even (for such there are) which they tend to impede; by what other studies and intellectual exercises, by what general reflections, or course of reading or meditation, those deficiencies may be supplied. The Professor might thus have shown (what it is usual only to declaim about) how highly a familiarity with mathematics, with dynamics, with even experimental physics and natural history, conduces both to the strength and to the soundness of a fine understanding; and yet how possible it is to be master of all these sciences, and to be unable to put two ideas together with a useful result, on any other topic. The youth of the university might have been taught to set a just value on these attainments, yet to see in them, as branches of general education, what they really are—the early stages in the formation of a great mind; the mere instruments of a higher culture. Nor would it have been out of place in such a discourse, though perhaps not peculiarly appropriate to this part of it, to have added a few considerations on the tendency of scientific pursuits in general; the influence of habits of analysis and abstraction upon the character:—how, without those habits, the mind is the slave of its own accidental associations, the dupe of every superficial appearance, and fit only to receive its opinions from authority:—on the other hand, how their exclusive culture, while it strengthens the associations which connect means with ends, effects with causes, tends to weaken many of those upon which our enjoyments and our social feelings depend; and by accustoming the mind to consider, in objects, chiefly the properties on account of which we refer them to classes and give them general names, leaves our conceptions of them, as individuals, lame and meagre:—how, therefore, the corrective and antagonist principle to the pursuits which deal with objects only in the abstract, is to be sought in those which deal with them altogether in the concrete, clothed in properties and circumstances: real life in its most varied forms, poetry and art in all their branches.

These, and many kindred topics, a philosopher, standing in the place of Professor Sedgwick, would, as far as space permitted, have illustrated and insisted on. But the Professor's resources supplied him only with a few trite commonplaces, on the high privilege of comprehending the mysteries of the natural world; the value of studies which give a habit of abstraction, and a 'power of concentration;' the use of scientific pursuits in saving us from languor and vacuity; with other truths of the calibre of the Penny Magazine. To these he adds, that 'the study of the higher sciences is well suited to keep down a spirit

of arrogance and intellectual pride,' by convincing us of 'the narrow limitation of our faculties;' and upon this peg he appends a dissertation on the evidences of design in the universe—a subject on which much originality was not to be hoped for, and the nature of which may be allowed to protect feebleness from any severity of comment.

The Professor's next topic is the classical languages and literature. And here he begins by wondering. This is one of the ways of his profession. Mr. Sedgwick, besides being a professor of geology, is also a clergyman; and it seems to be a propensity inherent in the clerical office to erect everything into a wonder. A clergyman cannot consider the infinite greatness and wisdom of God, once for all, as proved, but thinks himself bound to be finding fresh arguments for it in every chip or stone; and he thinks nothing a proof of greatness unless he can wonder at it; and to most minds a wonder explained is a wonder no longer. Hence a sort of vague feeling, as if, to his conceptions, God would not be so great if he had made us capable of understanding more of the laws of his universe; and hence a reluctance to admit even the most obvious explanation, lest it should destroy the wonder.

The subject of Professor Sedgwick's wonder is a very simple thing—the manner in which a child acquires a language.

'I may recall to your minds,' says he, 'the wonderful ease with which a child comprehends the conventional signs of thought formed between man and man—not only learns the meaning of words descriptive of visible things; but understands, by a kind of rational instinct, the meaning of abstract terms, without ever thinking of the faculty by which he comes to separate them from the names of mere objects of sense. The readiness with which a child acquires a language may well be called a rational instinct: for during the time that his knowledge is built up, and that he learns to handle the implements of thought, he knows no more of what passes within himself, than he does of the structure of the eye, or of the properties of light, while he attends to the impressions on his visual sense, and gives to each impression its appropriate name.'—p. 33.

This, on its own account, would scarcely require remark: but in illustration of the Professor's metaphysics, of which it is a fair sample, we may observe, that if whatever we do without understanding the machinery by which we do it, be done by a rational instinct, we learn to dance by instinct: since few of the dancing-master's pupils have ever heard of any one of the muscles which his instructions and their own sedulous practice give them the power to use. Do we grow wheat by 'a rational instinct,' because we know not how the seed germinates in the ground? We know by experience, not by instinct, that it ger-

minates somehow, and on that assurance we sow it. A child learns a language by the ordinary laws of association; by hearing the word spoken, on the various occasions on which the meaning denoted by it has to be conveyed. This mode of acquisition is better adapted for giving a loose and vague, than a precise, conception of the meaning of an abstract term; accordingly, most people's conceptions of the meaning of many abstract terms in common use remain always loose and vague. The rapidity with which a child learns a language is not more wonderful than the rapidity with which he learns so much else at an early age. It is a common remark, that we gain more knowledge in the first few years of life, without labour, than we ever after acquire by the hardest toil, in double the time. There are many causes to account for this; among which it is sufficient to specify, that all the knowledge we then acquire concerns our most pressing wants, and that our attention to outward impressions is not yet deadened by familiarity, nor distracted, as in grown persons, by a previously accumulated stock of inward ideas and feelings.

Against the general tendency of the Professor's remarks on the cultivation of the ancient languages we have nothing to say. We think with him, that 'our fathers have done well in making classical studies an early and prominent part of liberal education' (p. 34). We fully coincide in his opinion, that 'the philosophical and ethical works of the ancients deserve a much larger portion of our time than we' (meaning Cambridge) 'have hitherto bestowed on them' (p. 39). We commend the liberality (for, in a professor of an English university, the liberality which admits the smallest fault in the university system of tuition deserves to be accounted extraordinary) of the following remarks:—

'It is notorious, that during many past years, while verbal criticism has been pursued with so much ardour, the works to which I now allude (coming home, as they do, to the business of life; and pregnant, as they are, with knowledge well fitted to fortify the reasoning powers) have, by the greater number of us, hardly been thought of; and have in no instance been made prominent subjects of academic training.'—p. 39.

'I think it incontestably true, that for the last fifty years our classical studies (with much to demand our undivided praise) have been too critical and formal; and that we have sometimes been taught, while straining after an accuracy beyond our reach, to value the husk more than the fruit of ancient learning: and if of late years our younger members have sometimes written prose Greek almost with the purity of Xenophon, or composed iambics in the finished diction of the Attic poets, we may well doubt whether time suffices for such perfection—

whether the imagination and the taste might not be more wisely cultivated than by a long sacrifice to what, after all, ends but in verbal imitations.—In short, whether such acquisitions, however beautiful in themselves, are not gained at the expense of something better. This at least is true, that he who forgets that language is but the sign and vehicle of thought, and, while studying the word, knows little of the sentiment—who learns the measure, the garb, and fashion of ancient song, without looking to its living soul or feeling its inspiration—is not one jot better than a traveller in classic land, who sees its crumbling temples, and numbers, with arithmetical precision, their steps and pillars, but thinks not of their beauty, their design, or the living sculptures on their walls—or who counts the stones in the Appian way instead of gazing on the monuments of the "eternal city." '—pp. 37-8.

The illustration which closes the above passage (though, as is often the case with illustrations, it does not illustrate) is rather pretty: a circumstance which we should be sorry not to notice, as, amid much straining, and many elaborate flights of imagination, we have not met with any other instance in which the Professor makes so near an approach to actual eloquence.

We have said that we go all lengths with our author, in claiming for classical literature a place in education, at least equal to that commonly assigned to it. But though we think his opinion right, we think most of his reasons wrong. As, for example, the following:—

'With individuals as with nations, the powers of imagination reach their maturity sooner than the powers of reason; and this is another proof that the severer investigations of science ought to be preceded by the study of languages; and especially of those great works of imagination which have become a pattern for the literature of every civilized tongue.'—p. 34.

This *dictum* respecting Imagination and Reason is only not a truism, because it is, as Coleridge would say, a falsism. Does the Professor mean that any 'great work of imagination'—the 'Paradise Lost,' for instance—could have been produced at an earlier age, or by a less matured or less accomplished mind, than the 'Mécanique Céleste?' Does he mean that a learner can appreciate Æschylus or Sophocles before he is old enough to understand Euclid or Lacroix? In nations again, the assertion, that imagination, in any but the vulgarest sense of the word, attains maturity sooner than reason, is so far from being true, that throughout all history the two have invariably flourished together; have, and necessarily must. Does Mr. Sedgwick think that any great work of imagination ever was, or can be produced, without great powers of reason? Be the country Greece or Rome, Italy, France, or England, the age of her greatest eminence in poetry and the fine arts has always been

that of her greatest statesmen, generals, orators, historians, navigators, in one word, thinkers, in every department of active life; not, indeed, of her greatest philosophers, but only because Philosophy is the tardiest product of Reason itself*.

The true ground for assigning to classical studies a high place in general education—a far higher one, indeed, than to what the Professor calls 'the severer investigations of science' (meaning mathematics, and the applications of mathematics) is, that the former cultivate the whole mind, the latter only a narrow corner of it. The subject of the one is but lines and numbers; of the other, human life, from its highest to its homeliest concerns. In the one, the only faculty exercised is ratiocination; and that, too, under circumstances of unusual facility: in the other, there is scarcely a valuable power or habit of the intellect which finds not its appropriate nourishment. We believe, accordingly, that the superiority of scholars over mathematicians, wherever intellects are brought fairly into competition, is borne out by a wide experience. As between the Greek and Roman, and any modern literature, the superiority of the former, as an instrument of education, lies in this—that in all other literatures the various nutriment which is needful for the mind lies scattered, some here, some there, and the same book is seldom food for more than a small part of the character; but in classical literature the whole man drinks from the same fountain; the sense of beauty, the admiration of exalted personal excellence, and the most varied powers of thought, are all nourished and called into action, each in the highest degree, and not separately but simultaneously.

We hold with Mr. Sedgwick, that these languages should be studied in our early years—not because we think, as he almost seems to do, that a young scholar can understand and relish 'great works of imagination' before he can learn simple equations—but because the mechanical difficulties are most easily vanquished at an early age; and because the acquisition of a complex and symmetrical language is itself the most valuable discipline, not of the imagination, but of the reason, which a young mind is capable of. The Greek or Latin grammar is a specimen of logical and metaphysical analysis, the place of which in education no other of the ordinary studies of youth could supply.

* In the earlier stages of a nation's culture, the place of Philosophy is always pre-occupied by an established religion: all the more interesting questions to which philosophy addresses itself, find a solution satisfactory to the then state of human intellect, ready provided by the received creed. The old religion must have lost its hold on the more cultivated minds, before philosophy is applied to for a solution of the same questions. With the decline of polytheism came the Greek philosophy; with the decline of Catholicism, the modern.

Of these reasons, substantial and cogent as they are, in recommendation of classical studies, we find not a word in Mr. Sedgwick's tract; but, instead of them, much harping on the value of the writings of antiquity as 'patterns' and 'models.' This is lauding the abuse of classical knowledge as the use; and is a very bad lesson to 'the younger members' of the university. The study of the ancient writers has been of unspeakable benefit to the moderns; from which benefit, the attempts at direct imitation of those writers have been no trifling drawback. The necessary effect of imitating 'models' is, to set manner above matter. The imitation of the classics has perverted the whole taste of modern Europe on the subject of composition: it has made style a subject of cultivation and of praise, independently of ideas; whereas, by the ancients, style was never thought of but in complete subordination to matter. The ancients would as soon have thought of a coat in the abstract, as of style in the abstract: the merit of a style, in their eyes, was, that it exactly fitted the thought. Their first aim was, by the assiduous study of their subject, to secure to themselves thoughts worth expressing; their next was, to find words which would convey those thoughts with the utmost degree of nicety; and only when this was made sure, did they think of ornament. Their style, therefore, whether ornamented or plain, grows out of their turn of thought; and may be admired, but cannot be imitated, by any one whose turn of thought is different. The instruction which Professor Sedgwick should have given to his pupils, was to follow no models; to attempt no style, but let their thoughts shape out the style best suited to them; to resemble the ancients, not by copying their manner, but by understanding their own subject as well, cultivating their faculties as highly, and taking as much trouble with their work, as the ancients did. All imitation of an author's style, except that which arises from making his thoughts your own, is mere affectation and vicious mannerism.

In discussing the value of the ancient languages, Mr. Sedgwick touches upon the importance of ancient history. On this topic, on which so much, and of the most interesting kind, might have been said, he delivers nothing but questionable commonplaces. 'History,' says he, 'is, to our knowledge of man in his social capacity, what physical experiments are to our knowledge of the laws of nature.' (p. 42.) Common as this notion is, it is a strange one to be held by a professor of physical science; for assuredly no person is satisfied with such evidence in studying the laws of the natural world, as history affords with respect to the laws of political society. The evi-

denceof history, instead of being analogous to that of experiment, leaves the philosophy of society in exactly the state in which physical science was, before the method of experiment was introduced. The Professor should reflect, that we cannot make experiments in history. We are obliged, therefore, as the ancients did in physics, to content ourselves with such experiments as we find made to our hands; and these are so few, and so complicated, that little or nothing can be inferred from them. There is a remark of David Hume, of which perhaps Mr. Sedgwick never heard—that the world is yet too young to have a political philosophy. If history is to be the basis of it, after ten thousand years the world will still be too young. There is not a fact in history which is not susceptible of as many different explanations as there are possible theories of human affairs. Whoever knows not this, must be as superficially acquainted with history as with principle; and so, indeed, those who build confidently upon history always are: those who are really versed in it know better in what its value consists. Not only is history not the foundation of political philosophy, but the profoundest political philosophy is requisite to explain history; without it, all in history which is worth understanding remains mysterious. Can Mr. Sedgwick, for instance, explain why the Greeks, in their brief career, so far surpassed their contemporaries, or why the Romans conquered the world? The real foundation of political wisdom is our experience, not of the men of former ages, whom we cannot know, either themselves or their circumstances, but of those whom and whose circumstances we can know, the people of our own time; and this experience is acquired through the study of ourselves by reflection, and of mankind by actual intercourse with them. That what we know of former ages, like what we know of foreign nations, is, with all its uncertainties, of much use, by correcting the narrowness incident to personal experience, we need not be told; but the usefulness of history depends upon its being kept in the second place.

The Professor is wholly unaware of the importance of accuracy, either in thought or in expression. 'In ancient history,' says he (p. 42), 'we can trace the fortunes of mankind under almost every condition of political and social life.' So far is this from being true, that ancient history does not so much as furnish an example of a civilized people in which the bulk of the inhabitants were not slaves. Again, 'all the successive actions we contemplate are at such a distance from us, that we can see their true bearings on each other undistorted by that mist of prejudice with which every modern political question is

surrounded.' We appeal to all who are conversant with the modern writings on ancient history, whether even this is true. The most elaborate Grecian history which we possess is impregnated with the anti-jacobin spirit in every line; and the Quarterly Review has laboured as diligently for many years to vilify the Athenian republic as the American.

Thus far the faults which we have discovered in Mr. Sedgwick are faults of omission rather than of commission; or at worst, amount only to this, that he has repeated the trivialities he found current, not having depth or strength of mind to see beyond them. Had there been nothing worse to be said of the remainder of the Discourse, we should not have disturbed its peaceful progress to oblivion.

We have now, however, arrived at the opening of that part of Professor Sedgwick's Discourse which is most laboured, and for the sake of which all the rest may be surmised to have been written,—his strictures on Locke's 'Essay on the Human Understanding,' and Paley's 'Principles of Moral Philosophy.' These works comprise what little of ethical and metaphysical instruction is given, or professed to be given, at Cambridge. The remainder of Mr. Sedgwick's Discourse is devoted to an attack upon them.

We assuredly have no thought of defending either work as a text-book, still less as the sole text-book on their respective subjects, in any school of philosophy. Of Paley's work, though it possesses in a high degree some minor merits, we think, on the whole, meanly. Of Locke's Essay, the beginning and foundation of the modern analytical psychology, we cannot speak but with the deepest reverence; whether we consider the era which it constitutes in philosophy, the intrinsic value, even at the present day, of its thoughts, or the noble devotion to truth, the beautiful and touching earnestness and simplicity, which he not only manifests in himself, but has the power beyond almost all other philosophical writers of infusing into his reader. His Essay should be familiar to every student. But no work, a hundred and fifty years old, can be fit to be the sole, or even the principal work for the instruction of youth in a science like that of Mind. In metaphysics, every new truth sets aside or modifies much of what was previously received as truth. Bishop Berkeley's refutation of the doctrine of abstract ideas, would of itself necessitate a complete revision of the phraseology of the most valuable parts of Locke's book. And the important speculations originated by Hume and perfected by Brown, concerning the nature of our experience, are acknowledged, even by

the philosophers who do not adopt in their full extent the conclusions of those writers, to have carried on the analysis of our knowledge and of the process of acquiring it, so much beyond the point where Locke left it, as to require that his work should be entirely recast.

Moreover, the book which has changed the face of a science, even when not superseded in its doctrines, is seldom suitable for didactic purposes. It is adapted to the state of mind, not of those who are ignorant of every doctrine, but of those who are instructed in an erroneous doctrine. So far as it is taken up in directly combating the errors which prevailed before it was written, the more completely it has done its work, the more certain it is of becoming superfluous, not to say unintelligible, without a commentary. And even its positive truths are defended against such objections only as were current in its own times, and guarded only against such misunderstandings as the people of those times were likely to fall into. Questions of morals and metaphysics differ from physical questions in this, that their aspect changes with every change of the human mind. At no two periods is the same question embarrassed by the same difficulties, or the same truth in need of the same explanatory comment. The fallacy which is satisfactorily refuted in one age, re-appears in another, in a shape which the arguments formerly used do not precisely meet; and seems to triumph, until some one, with weapons suitable to the altered form of the error, arises and repeats its overthrow.

These remarks are peculiarly applicable to Locke's Essay. His doctrines were new, and had to make their way: he therefore wrote not for learners, but for the learned; for those who were trained in the systems previous to his—the systems of the Schoolmen or of the Cartesians. He said what he thought necessary to establish his own opinions, and he answered the objections of such objectors as the age afforded; but he could not anticipate all the objections which might be made by a subsequent age: least of all could he anticipate those which would be made now, when his philosophy has long been the prevalent one; when the arguments of objectors have been rendered as far as possible consistent with his principles, and are often such as could not have been thought of until he had cleared the ground by demolishing some received opinion, which no one before him had thought of disputing.*

* As an example, and one which is in point to Mr. Sedgwick's attack, let us take Locke's refutation of innate ideas. The doctrine maintained in his time, and against which his arguments are directed, was, that there are ideas which exist in the mind antecedently to experience. Of this theory his refutation is complete, and the error has never again reared its head. But a form of the same doctrine has since arisen,

To attack Locke, therefore, because other arguments than it was necessary for him to use have become requisite to the support of some of his conclusions, is like reproaching the Evangelists because they did not write Evidences of Christianity. The question is, not what Locke has said, but what would he have said, if he had heard all that has since been said against him? Absurd, however, as is a criticism on Locke conceived in this spirit, Mr. Sedgwick indulges in another strain of criticism even more absurd still.

The 'greatest fault,' he says, of Locke's Essay, 'is the contracted view it takes of the capacities of man—allowing him, indeed, the faculty of reflecting and following out trains of thought according to the rules of abstract reasoning; but depriving him both of his powers of imagination and of his moral sense.' (p. 57.) Several pages are thereupon employed in celebrating 'the imaginative powers.' And a metaphysician who 'discards these powers from his system,' (which, according to Mr. Sedgwick, Locke does,) is accused of 'shutting his eyes to the loftiest qualities of the soul.' (p. 49.)

Has the Professor so far forgotten the book which he must have read once, and on which he passes judgment with so much authority, as to fancy that it claims to be a treatise on all 'the

somewhat different from the above, and which could not have been thought of until Locke had established the dependence of all our knowledge upon experience. In this modern theory, it is admitted that experience, or, in other words, impressions received from without, must *precede* the excitement of any ideas in the mind: no ideas, therefore, exist in the mind *antecedently* to experience; but there are some ideas (so the theory contends) which, though experience must precede them, are not *likenesses* of anything which we have experience of, but are only *suggested* or *excited* by it; ideas which are only so far the effects of outward impressions, that they would for ever lie dormant if no outward impressions were ever made. Experience, in short, is a *necessary condition* of those ideas, but not their prototype, or cause. One of these ideas, they contend, is, the idea of substance or matter; which is no copy of any sensation; neither, on the other hand, should we ever have had this notion, if we had never had sensations; but as soon as any sensation is experienced, we are compelled, by a law of our nature, to form the idea of an external something called matter, and to refer the sensation to this something as its exciting cause. Such, it is likewise contended, is the idea of duty, and the moral judgments and feelings. We do not bring with us into the world any idea of a criminal act; it is only experience which gives us that idea; but the moment we conceive the act, we instantly, by the constitution of our nature, judge it to be wrong, and frame the idea of an obligation to abstain from it.

This form of the doctrine of innate principles Locke did not anticipate, and has not supplied the means of completely refuting. Mr. Sedgwick accordingly triumphs over him, as having missed his mark by overlooking 'the distinction between innate ideas and innate capacities.'—(p. 48.) If Locke has not adverted to a distinction which had never been thought of in his day, others have; and no one who now writes on the subject ever overlooks it. Has Mr. Sedgwick ever read Hartley, or Mill? or even Hume, or Helvetius? Evidently not; he shows no signs of having read any writer on the side of the question which he attacks, except Locke and Paley: whom he insists upon treating as the representatives of all others who adopt any of their conclusions.

capacities of man?' Are words altogether without meaning to the Professor, that he can write in the manner we have just quoted about Locke's book, with the fact looking him in the face from his own pages, that it is entitled 'An Essay on the Human Understanding?' Who besides Mr. Sedgwick would look for a treatise on the imagination under such a title? What place, what concern could it have had there?

The one object of Locke's speculations was to ascertain the limits of our knowledge; what questions we may hope to solve, what are beyond our reach. This purpose is distinctly declared in the Preface, and manifested in every chapter of the book. He tells us that he commenced his inquiries because 'in discoursing on a subject very remote from this,' it came into his thoughts that 'before we set ourselves upon inquiries of that nature, it was necessary to examine our own abilities, and see what objects our understandings were, or were not, fitted to deal with.'* The following, from the first chapter of the first book, are a few of the passages in which he describes the scope of his speculations:—

'To inquire into the original, certainty, and extent of human knowledge, together with the grounds and degrees of belief, opinion, and assent.' 'To consider the *discerning* faculties of man, as they are employed about the objects which they have to do with.' 'To give an account of the ways whereby our understandings come to attain those notions of things we have,' and 'set down' some 'measures of the certainty of our knowledge, or the grounds of those persuasions which are to be found amongst men.' 'To search out the bounds between opinion and knowledge, and examine by what measures in things whereof we have no certain knowledge, we ought to regulate our assent, and moderate our persuasions.' And thus, 'by this inquiry into the nature of the understanding,' to 'discover the powers thereof, how far they reach, to what things they are in any degree proportionate, and where they fail us;' and thereby to 'prevail with the busy mind of man to be more cautious in meddling with things exceeding its comprehension, to stop when it is at the utmost extent of its tether, and to sit down in a quiet ignorance of those things which, upon examination, are found to be beyond the reach of our capacities.'

And because a philosopher, having placed before himself an undertaking of this magnitude, and of this strictly scientific character, and having his mind full of thoughts which were destined to effect a revolution in the philosophy of the human intellect, does not quit his subject to panegyrize the imagination, he is accused of saying that there is no such thing;—or of saying that it is a pernicious thing;—or rather (for to this pitch of ingenuity Mr. Sedgwick's criticism reaches) of

* Preface to Locke's Essay.

saying *both* that there is no such thing, and *also* that it is a pernicious thing. He '*deprives* man of his powers of imagination;' he '*discards* these powers from his system;' and at the same time he 'speaks of those powers only to condemn them;' he '*denounces* the exercise of the imagination as a fraud upon the reason.' As well might it be asserted, that Locke denies that man has a body, or condemns the exercise of the body, because he is not constantly proclaiming what a beautiful and glorious thing the body is. Mr. Sedgwick cannot conceive the state of mind of such a man as Locke, who is too entirely absorbed in his subject to be able to turn aside from it every time that an opportunity offers for a flight of rhetoric. With the imagination in its own province, as a source of enjoyment, and a means of educating the feelings, Locke had nothing to do; nor was the subject suited to the character of his mind. He was concerned with Imagination, only in the province of pure Intellect; and all he had to do with it there, was, to warn it off the ground. This Mr. Sedgwick calls 'denouncing the exercise of the imagination as a fraud upon the reason,' and 'regarding men who appeal to the powers of imagination in their proofs and mingle them in their exhortations as no better than downright cheats.'—(p. 50.) Locke certainly says that imagination is not proof. Does the Professor then mean—and by his rhapsody about the imagination, does he intend us to understand—that imagination *is* proof? But how can we expect clearness of ideas on metaphysical subjects, from a writer who cannot discriminate between the Understanding and the Will. Locke's Essay is on the Understanding; Mr. Sedgwick tells us, amid much finery, that the imagination is a powerful engine for acting on the will. So is a cat-o'-nine-tails. Is a cat-o'-nine-tails, therefore, one of the sources of human knowledge? 'In trying circumstances,' says the Professor, 'the determination of the will is often more by feeling than by reason.'—(p. 51.) In all circumstances, trying or otherwise, the determination of the will is wholly by feeling. Reason is not an end in itself; it teaches us to know the right ends, and the way to them;—but if we desire those ends, this desire is not Reason, but a feeling. Hence the importance of the question, how to give to the imagination that direction which will exercise the most beneficial influence upon the feelings. But the Professor probably meant that 'in trying circumstances, the determination,' not 'of the will,' but of the understanding, 'is often more by feeling than by reason.' Unhappily it is; this is the tendency in human nature, against which Locke warns his readers; and by so warning them, incurs the censure of Mr. Sedgwick.

The other accusation which the Professor urges against Locke—that of overlooking 'the faculties of moral judgment,' and 'depriving' man of his 'moral sense'—will best be considered along with his strictures on Paley's Moral Philosophy; for against Paley, also, the principal charge is that he denies the moral sense.

It is a fact in human nature, that we have moral judgments and moral feelings. We judge certain actions and dispositions to be right, others wrong: this we call approving and disapproving them. We have also feelings of pleasure in the contemplation of the former class of actions and dispositions, feelings of dislike and aversion to the latter; which feelings, as everybody must be conscious, do not exactly resemble any other of our feelings of pain or pleasure.

Such are the phenomena. Concerning their reality there is no dispute. But there are two theories respecting the origin of these phenomena, which have divided philosophers from the earliest ages of philosophy. One is, that the distinction between right and wrong is an ultimate and inexplicable fact; that we perceive this distinction as we perceive the distinction of colours, by a peculiar faculty; and that the pleasures and pains, the desires and aversions, consequent upon this perception, are all ultimate facts in our nature; as much so as the pleasures and pains, or the desires and aversions, of which sweet or bitter tastes, pleasing or grating sounds, are the object. This is called the theory of the moral sense—or of moral instincts—or of eternal and immutable morality—or of intuitive principles of morality—or by many other names; to the differences between which, those who adopt the theory often attach great importance, but which, for our present purpose, may all be considered as synonymous.

The other theory is, that the ideas of right and wrong, and the feelings which attach themselves to those ideas, are not ultimate facts, but may be explained and accounted for: are not the result of any peculiar law of our nature, but of the same laws on which all our other complex ideas and feelings depend: that the distinction between moral and immoral acts, is not a peculiar and inscrutable property in the acts themselves, which we perceive by a sense, as we perceive colours by our sense of sight; but flows from the ordinary properties of those actions, for the recognition of which we need no other faculty than our intellects and our bodily senses. And the particular property in actions, which constitutes them moral or immoral in the opinion of those who hold this theory (all of them, at least,

who need to be noticed), is the influence of those actions, and of the dispositions from which they emanate, upon human happiness.

This theory is sometimes called the theory of utility; and is what Mr. Sedgwick means by 'the utilitarian theory of morals.'

Maintaining this second theory Mr. Sedgwick calls 'denying the existence of moral feelings.'—(p. 32.) This is, in the first place, mis-stating the question. Nobody denies the existence of moral feelings. The feelings exist, manifestly exist, and so cannot be denied. The questions on which there is a difference are—first, whether they are simple or complex feelings, and if complex, of what elementary feelings they are composed? which is a question of metaphysics; and secondly, what kind of acts and dispositions are the proper objects of those feelings? in other words, what is the principle of morals? These questions, and more peculiarly the last, the theory which Mr. Sedgwick terms 'the utilitarian theory' professes to solve.

Paley adopted this theory. Mr. Sedgwick, who professes the other theory, treats Paley, and all who take Paley's side of the question, with extreme contumely.

We shall show that Mr. Sedgwick has no right to represent Paley as a type of the theory of utility; that he has failed in refuting even Paley; and that the tone of insult which he has thought fit to assume towards all who adopt that theory is altogether unmerited on their part, and on his, from his extreme ignorance of the subject, peculiarly unbecoming.

Those who maintain that human happiness is the end and test of morality are bound to prove that the principle is true; but not that Paley understood it. Who can be entitled to found an argument against a principle, upon the faults or blunders of a particular writer who professed to build his system upon it; without taking notice that the principle may be understood differently, and has in fact been understood differently by other writers? What would be thought of an assailant of Christianity, who should judge of its truth or beneficial tendency from the views taken of it by the Jesuits, or by the Shakers? A doctrine is not judged at all until it is judged in its purest form. The principle of utility may be viewed in as many different lights as every other rule or principle may. If it be liable to mischievous misinterpretations, this is true of all very general, and therefore of all first, principles. Whether the ethical creed of a follower of utility will lead him to moral or immoral consequences, depends upon what he thinks useful;—just as, with a partizan of the opposite doctrine—that of con-

science—it depends upon what he thinks his conscience enjoins. But either the one theory or the other must be true. Instead, therefore, of cavilling about the abuses and perversions of either, real manliness would consist in accepting the true, with all its liabilities to abuse and perversion; and then bending the whole force of our intellects to the establishment of such secondary and intermediate maxims, as may be guides to the *bonâ fide* inquirer in the application of the principle, and salutary checks to the sophist and the dishonest casuist.

There are faults in Paley's conception of the philosophy of morals, both in its foundations and in its subsequent stages, which prevent his book from being an example of the conclusions justly deducible from the doctrine of utility, or of the influences of that doctrine, when properly understood, upon the intellect and character.

In the first place, he does not consider utility as itself the source of moral obligation, but as a mere index to the will of God, which he regards as the ultimate groundwork of all morality, and the origin of its binding force. This doctrine (not that utility is an index to the will of God, but that it is an index and nothing else) we consider as highly exceptionable; and having really many of those bad effects on the mind erroneously ascribed to the principle of utility.

The only view of the connexion between religion and morality which does not annihilate the very idea of the latter, is that which considers the Deity as not *making*, but *recognizing* and *sanctioning*, moral obligation. In the minds of most English philosophers down to the middle of the last century, the idea of duty, and that of obedience to God, were so indissolubly united as to be inseparable even in thought: and when we consider how in those days religious motives and ideas stood in the front of all speculations, it is not wonderful that religion should have been thought to constitute the *essence* of all obligations to which it annexed its *sanction*. To have inquired, Why am I bound to obey God's will? would, to a Christian of that age, have appeared irreverent. It is a question, however, which, as much as any other, requires an answer from a Christian philosopher. 'Because he is my Maker' is no answer. Why should I obey my Maker? From gratitude? Then gratitude is in itself obligatory, independently of my Maker's will. From reverence and love? But why is He a proper object of love and reverence? Not because he is my Maker. If I had been made by an evil spirit, for evil purposes, my love and reverence (supposing me to be capable of such feelings) would have been due, not to the evil, but to the good Being. Is it because He

is just, righteous, merciful? Then these attributes are in themselves good, independently of His pleasure. If any person has the misfortune to believe that his Creator commands wickedness, more respect is due to him for disobeying such imaginary commands, than for obeying them. If virtue would not be virtue unless the Creator had commanded it—if it derive all its obligatory force from his will—there remains no ground for obeying him except his power; no motive for morality except the selfish one of the hope of heaven, or the selfish and slavish one of the fear of hell.

Accordingly, in strict consistency with this view of the nature of morality, Paley not only represents the proposition that we ought to do good and not harm to mankind, as a mere corollary from the proposition that God wills their good, and not their harm—but represents the motive to virtue, and the motive which constitutes it virtue, as consisting solely in the hope of heaven and the fear of hell.

It does not, however, follow that Paley believed mankind to have no feelings except selfish ones. He doubtless would have admitted that they are acted upon by other motives, or, in the language of Bentham and Helvetius, that they have other interests, than merely self-regarding ones. But he chose to say that actions done from those other motives are not virtuous. The happiness of mankind, according to him, was the end for which morality was enjoined; yet he would not admit anything to be morality, when the happiness of mankind, or of any of mankind except ourselves, is the inducement of it. He annexed an arbitrary meaning to the word virtue. How he came to think this arbitrary meaning the right one may be a question. Perhaps it was by the habit of thinking and talking of morality under the metaphor of a *law*. In the notion of a law, the idea of the command of a superior, enforced by penalties, is of course the main element.

If Paley's ethical system is thus unsound in its foundations, the spirit which runs through the details is no less exceptionable. It is, indeed, such as to prove, that neither the character nor the objects of the writer were those of a philosopher. There is none of the single-minded earnestness for truth, whatever it may be—the intrepid defiance of prejudice, the firm resolve to look all consequences in the face, which the word philosopher supposes, and without which nothing worthy of note was ever accomplished in moral or political philosophy. One sees throughout that he has a particular set of conclusions to come to, and will not, perhaps cannot, allow himself to let in any premises which would interfere with them. His book, in truth, is one of

a class which has since become very numerous, and is likely to become still more so—an apology for commonplace. Not to lay a solid foundation, and erect an edifice over it suited to the professed ends, but to construct pillars and insert them *under* the existing structure, was Paley's object. He took the doctrines of practical morals which he found current. Mankind were, about that time, ceasing to consider mere use and wont, or even the ordinary special pleading from texts of scripture, as sufficient warrants for these common opinions, and were demanding something like a philosophic basis for them. This philosophic basis, Paley, consciously or unconsciously, made it his endeavour to supply. The skill with which his book was adapted to satisfy this want of the time, accounts for the popularity which attended it, notwithstanding the absence of that generous and inspiring tone, which gives so much of their usefulness as well as of their charm to the writings of Plato, and Locke, and Fenelon, and which mankind are accustomed to pretend to admire, whether they really respond to it or not.

When an author starts with such an object, it is of little consequence what are the premises he sets out from. In adopting the principle of utility, Paley, we have no doubt, followed the convictions of his understanding; but if he had started from any other principle, we have as little doubt that he would have arrived at the very same conclusions. These conclusions, namely, the received maxims of his time, were (it would have been strange if they were not) accordant in many, possibly in most, points, with those which philosophy would have dictated. But had they been accordant on all points, that was not the way in which a philosopher would have dealt with them.

The only deviation from commonplace, which has ever been made an accusation (for all departures from commonplace are made accusations) against Paley's moral system, is that of too readily allowing exceptions to important rules; and this Mr. Sedgwick does not fail to lay hold of, and endeavour, as others have done before him, to fix upon the principle of utility as one of its immoral consequences. It is, however, imputable to the very same cause which we have already pointed out. Along with the prevailing maxims, Paley borrowed the prevailing laxity in their application. He had not only to maintain existing doctrines, but to save the credit of existing practices also. He found, in his country's morality (especially, in its political morality,) modes of conduct universally prevalent, and applauded by all persons of station and consideration, but which, being acknowledged violations of great principles of morality, could only be defended as cases of exception, resting on special

grounds of expediency; and the only expediency which it was possible to ascribe to them was political expediency—that is, conduciveness to the interests of the aristocracy. To this, and not to the tendencies of the principle of utility, is to be ascribed the lax morality taught by Paley, and justly objected to by Mr. Sedgwick, on the subject of lies, of subscriptions to articles, of the abuses of influence in the British constitution, and various other topics. The principle of utility leads to no such conclusions. Let us be permitted to add that, if it did, we should not of late years have heard so much in reprobation of it from all manner of persons, and from none more than from the sworn defenders of those very mal-practices.

When an inquirer knows beforehand the conclusions which he is to come to, he is not likely to seek far for grounds to rest them upon. Accordingly, the considerations of expediency upon which Paley founds his moral rules, are almost all of the most obvious and vulgar kind. In estimating the consequences of actions, in order to obtain a measure of their morality, there are always two sets of considerations involved: the consequences to the outward interests of the parties concerned (including the agent himself); and the consequences to the characters of the same persons, and to their outward interests so far as dependent on their characters. In the estimation of the first of these two classes of considerations, there is in general not much difficulty, nor much room for difference of opinion. The actions which are directly hurtful, or directly useful, to the outward interests of oneself or of other people, are easily distinguished, sufficiently at least for the guidance of a private individual. The rights of individuals, which other individuals ought to respect, over external things, are sufficiently pointed out by a few plain rules, and by the laws of one's country. But it often happens that an essential part of the morality or immorality of an action or a rule of action consists in its influence upon the agent's own mind: upon his susceptibilities of pleasure or pain, upon the general direction of his thoughts, feelings, and imagination, or upon some particular association. Many actions, moreover, produce effects upon the character of other persons besides the agent. In all these cases there will naturally be as much difference in the moral judgments of different persons, as there is in their views of human nature, and of the formation of character. Clear and comprehensive views of education and human culture must, therefore, precede, and form the basis of, a philosophy of morals; nor can the latter subject ever be understood but in proportion as the former is so. For this, much yet remains to be done. Even the materials, though abundant,

are not complete. Of those which exist, a large proportion have never yet found their way into the writings of philosophers; but are to be gathered, on the one hand, from actual observers of mankind; on the other, from those autobiographers, and from those poets or novelists, who have spoken out unreservedly, from their own experience, any true human feeling. To collect together these materials, and to add to them, will be a labour for successive generations. But Paley, instead of having brought from the philosophy of education and character any new light to illuminate the subject of morals, has not even availed himself of the lights which had already been thrown upon it from that source. He, in fact, had meditated little on this branch of the subject, and had no ideas in relation to it, but the commonest and most superficial.

What may have been done in this department by the philosophers who have adopted the principle of utility subsequently to Paley, cannot be known, so long as none of them have laid before the world their ethical opinions. But the general laws of the formation of character have to no inquirers been a subject of more attentive investigation; nor, in truth, have the phenomena ever been successfully analyzed into the ultimate elements, but by them.

Thus much we have been induced to say, rather from the importance of the subject, than for the sake of a just estimate of Paley, which is a matter of inferior consequence; still less for the appreciation of Mr. Sedgwick, who, as we shall soon see, might have been more summarily disposed of.

Mr. Sedgwick's objections to the principle of utility are of two kinds—first, that it is not true; secondly, that it is dangerous, degrading, and so forth. What he says against its truth, when picked out from a hundred different places, and brought together, would fill about three pages, leaving about twenty consisting of attacks upon its tendency. This already looks but ill; for, after all, the truth or falsehood of the principle is the main point. When, of a dissertation on any controverted question, a small part only is employed in proving the author's own opinion, a large part in ascribing odious consequences to the opposite opinion, we are apt to think that, on the former point, there was not very much to be said. One thing is certain; that if an opinion have ever such mischievous consequences, that cannot prevent any thinking person from believing it, if the evidence is in its favour. Unthinking persons, indeed, if they are very solemnly assured that an opinion has mischievous consequences, may be fright-

ened from examining the evidence. When, therefore, we find that this mode of dealing with an opinion is the favourite one—is resorted to in preference to the other, and with greater vehemence, and at greater length—we conclude that it is upon unthinking rather than upon thinking persons that the author calculates upon making an impression; or else, that he himself is one of the former class of persons—that his own judgment is determined, less by evidence presented to his understanding, than by the repugnancy of the opposite opinion to his partialities and affections; and that, perceiving clearly the opinion to be one which it would be painful to him to adopt, he has been easily satisfied with reasons for rejecting it.

All that the Professor says to disprove the principle of utility, and to prove the existence of a moral sense, is found in the following paragraph:—

'Let it not be said that our moral sentiments are superinduced by seeing and tracing the consequences of crime. The assertion is not true. The early sense of shame comes before such trains of thought, and is not, therefore, caused by them; and millions, in all ages of the world, have grown up as social beings and moral agents, amenable to the laws of God and man, who never traced or thought of tracing the consequences of their actions, nor ever referred them to any standard of utility. Nor let it be said that the moral sense comes of mere teaching—that right and wrong pass as mere words, first from the lips of the mother to the child, and then from man to man; and that we grow up with moral judgments gradually ingrafted in us from without, by the long-heard lessons of praise and blame, by the experience of fitness, or the sanction of the law. I repeat that the statement is not true—that our moral perceptions show themselves not in any such order as this. The question is one of feeling; and the moral feelings are often strongest in very early life, before moral rules or legal sanctions have once been thought of. Again, what are we to understand by teaching? Teaching implies capacity: one can be of no use without the other. A faculty of the soul may be called forth, brought to light, and matured; but cannot be created, any more than we can create a new particle of matter, or invent a new law of nature.'—pp. 52, 53.

The substance of the last three sentences is repeated at somewhat greater length shortly after (pp. 54, 55), in a passage from which we shall only quote the following words: 'No training (however greatly it may change an individual mind) can create a new faculty, any more than it can give a new organ of sense.' In many other parts of the Discourse the same arguments are alluded to, but no new ones are introduced.

Let us, then, examine these arguments.

First, the Professor says, or seems to say, that our moral

sentiments cannot be generated by experience of consequences, because a child feels the sense of shame before he has any experience of consequences; and likewise because millions of persons grow up, have moral feelings, and live morally, 'who never traced, or thought of tracing, the consequences of their actions,' but who yet, it seems, are suffered to go at large, which we thought was not usually the case with persons who never think of the consequences of their actions. The Professor continues—'who never traced, or thought of tracing, the consequences of their actions, nor ever referred them to any standard of utility.'

Secondly; the Professor says, that our moral feelings cannot arise from teaching, because those feelings are often strongest in very early life.

Thirdly; that our moral feelings cannot arise from teaching, because teaching can only call forth a faculty, but cannot create one.

Let us first consider the singular allegation, that the sense of shame in a child precedes all experience of the consequences of actions. Is it not astounding that such an assertion should be ventured upon by any person of sane mind? At what period in a child's life, after it is capable of forming the idea of an action at all, can it be without experience of the consequences of actions? As soon as it has the idea of one person striking another, is it not aware that striking produces pain? As soon as it has the idea of being commanded by its parent, has it not the notion that, by not doing what is commanded, it will excite the parent's displeasure? Two things manifest themselves throughout the whole passage; extreme ignorance both of children and of grown persons, and an incapacity of making the most obvious distinctions. A child's knowledge of the simple fact (one of the earliest he becomes acquainted with), that some acts produce pain and others pleasure, is called by pompous names, 'seeing and tracing the consequences of crime,' 'trains of thought,' 'referring actions to a standard,' terms which imply continued reflection and large abstractions; and because these terms are absurd when used of a child or an uneducated person, we are to conclude that a child or an uneducated person has no notion that one thing is caused by another. As well might it be said that a child requires an instinct to tell him that he has ten fingers, because he knows it before he has ever thought of 'making arithmetical computations.' Though a child is not a jurist, or a moral philosopher, (to whom alone the Professor's phrases would be properly applicable,) he has the idea of himself hurting or offending some one, or of some one hurting or annoying him. These are ideas which precede

any sense of shame in doing wrong; and it is out of these elements, and not out of abstractions, that the supporters of the theory of utility contend that the idea of wrong, and our feelings of disapprobation to it, are originally formed. Mr. Sedgwick's argument resembles one we often hear, that the principle of utility must be false, because it supposes morality to be founded on the good of society, an idea too complex for the majority of mankind, who look only to the particular persons concerned. Why, none but those who mingle in public transactions, or whose example is likely to have extensive influence, have any occasion to look beyond the particular persons concerned. Morality, for all other people, consists in doing good and refraining from harm, to themselves and to those who immediately surround them. As soon as a child has the idea of voluntarily producing pleasure or pain to any one person, he has an accurate notion of utility. When he afterwards gradually rises to the very complex idea of 'society,' and learns in what manner his actions may affect the interests of other persons than those who are present to his sight, his conceptions of utility, and of right and wrong founded on utility, undergo a corresponding enlargement, but receive no new element.

Again, if it were ever so true that the sense of shame in a child precedes all knowledge of consequences, what is that to the question respecting a moral sense? Has the sense of shame anything to do with a moral sense? A child is ashamed of doing what he is told is wrong; but so is he also ashamed of doing what he knows is right, if he expects to be laughed at for doing it; he is ashamed of being duller than another child, of being ugly, of being poor, of not having fine clothes, of not being able to run, or wrestle, or box so well as another. He is ashamed of whatever causes him to be thought less of by the persons who surround him. This feeling of shame is accounted for by obvious associations; but suppose it to be innate, what would that prove in favour of a moral sense? If all that Mr. Sedgwick can show for a moral sense is the sense of shame, we might well suppose that all our moral sentiments are the result of opinions which come to us from without; since the sense of shame so obviously follows the opinion of others, and, at least in our early years, is wholly determined by it.

On the Professor's first argument no more needs be said. His second is the following: that moral feelings cannot 'come of mere teaching,' because they do not grow up gradually, but are often strongest in very early life.

Now, this is, in the first place, a mistaking of the matter in dispute. Nobody says that moral feelings 'come of mere

teaching.' It is not pretended that they are factitious and artificial associations, inculcated by parents and teachers purposely to further certain social ends, and no more congenial to our natural feelings than the contrary associations. The idea of the pain of another is naturally painful; the idea of the pleasure of another is naturally pleasurable. From this foundation in our natural constitution arise all our affections both of love and aversion towards human beings, in so far as they are different from those we might entertain towards mere inanimate objects which are pleasant or disagreeable to us. In this, the unselfish part of our nature, lies a foundation even independently of inculcation from without, for the generation of moral feelings.

But if, because it is not inconsistent with the constitution of our nature that moral feelings should grow up independently of teaching, Mr. Sedgwick would infer that they generally do so, or that teaching is not the source of almost all the moral feeling which exists in the world, his assertion is a piece of sentimentality completely at variance with the facts. If by saying that 'moral feelings are often strongest in very early life,' Mr. Sedgwick means that they are strongest in children, he only proves his entire ignorance of children. Young children have affections, but no moral feelings; and children whose will is never resisted, never acquire them. There is no selfishness equal to the selfishness of children, as every one who is acquainted with children well knows. It is not, indeed, the hard, cold selfishness of a grown person, for the most affectionate children have it equally; but the most selfish of grown persons does not come up to a child in the reckless seizing of any pleasure to himself, regardless of the consequences to others. The pains of others, though naturally painful to us, are not so until we have realized them by an act of imagination, implying voluntary attention; and that no child ever pays, while under the impulse of a present desire. If a child restrains the indulgence of any wish, it is either from affection or sympathy, which are quite other feelings than those of morality; or else (whatever Mr. Sedgwick may think) because he has been *taught* to do so. And he only learns the habit gradually, and in proportion to the assiduity and skill of the teaching.

The assertion that 'moral feelings are often strongest in very early life,' is true in no sense but one, which confirms what it is brought to refute. The time of life at which moral feelings are apt to be strongest, is the age when we cease to be merely members of our own families, and begin to have intercourse with the world; that is, when the teaching has continued longest in one direction, and has not commenced in any other direction. When

we go forth into the world, and meet with teaching, both by precept and example, of an opposite tendency to that which we have been used to, the feeling begins to weaken. Is this a sign of its being wholly independent of teaching? Has a boy, quietly educated in the parental house, or one who has been at a public school, the strongest moral feelings?

We have said enough, we think, on the Professor's second argument. We proceed to his third. This is, that teaching may strengthen our natural faculties, and call forth those which are powerless because untried; but cannot create a faculty which does not exist; cannot, therefore, have created the moral faculty.

It is surprising that Mr. Sedgwick should not see that his argument begs the question in dispute. To prove that our moral judgments are innate, he assumes that they proceed from a distinct faculty. But this is precisely what the adherents of the principle of utility deny. They contend that the morality of actions is perceived by the same faculties by which we perceive any other of the qualities of actions, namely, our intellects and our senses. They contend that the capacity of perceiving moral distinctions is no more a peculiar faculty than the capacity of trying causes, or of making a speech to a jury. This last is a very peculiar power, yet no one says that it must have pre-existed in Sir James Scarlett before he was called to the bar, because teaching and practice cannot create a new faculty. They can create a new power; and a faculty is but a finer name for a power*.

The only colour for representing our moral judgments as the result of a peculiar part of our nature is, that our feelings of moral approbation and disapprobation are really peculiar feelings. But is it not notorious that peculiar feelings, unlike any others which we have experience of, are created by association every day? What does the Professor think of the feelings of ambition; the desire of power over our fellow-creatures, and the pleasure of its possession and exercise? These are peculiar

* We cannot help referring the Professor back to Locke, and to that very chapter 'On Power' which he singles out for peculiar objurgation. We recommend to his special attention the admirable remarks in that chapter on the abuse of the word faculty.

Mr. Sedgwick falls into the blunder of the prevailing sect among the Schoolmen of the middle ages, the people called the Realists. These people gave to some classes of objects the name *species*, to others not; and then imagined that the classes to which they had given a peculiar name had a peculiar nature. Mr. Sedgwick gives to some of the powers of the mind the name faculties, to others not; and then falls into a like error. He loses sight of the very meaning of the word faculty—*facultas*. He talks of a faculty 'powerless because untried.' A power powerless!

feelings. But they are obviously generated by the law of association, from the connexion between power over our fellow-creatures, and the gratification of almost all our other inclinations. What will the Professor say of the chivalrous point of honour? What of the feelings of envy and jealousy? What of the feelings of a miser to his gold? Who ever looked upon these last as the subject of a distinct natural faculty? Their origin in association is obvious to all the world. Yet they are feelings as peculiar, as unlike any other part of our nature, as the feelings of conscience.

It will hardly be believed that what we have now answered is all that Mr. Sedgwick advances, to prove the principle of utility untrue; yet such is the fact. Let us now see whether he is more successful in proving the pernicious consequences of the principle, and the 'degrading effect' which it produces 'on the temper and conduct of those who adopt it.'

The Professor's talk is more indefinite, and the few ideas he has are more overlaid with declamatory phrases, on this point, than even on the preceding one. We can, however, dimly descry through the mist some faint semblance of two tangible objections: one, that the principle of utility is not suited to man's capacity—that if we were ever so desirous of applying it correctly, we should not be capable; the other, that it debases the moral practice of those who adopt it—which seems to imply (strange as the assertion is) that their adoption of it as a principle inspires them with a desire *not* to apply it correctly.

We must quote Mr. Sedgwick's very words, or it would hardly be believed that we quote him fairly:—

'Independently of the bad effects produced on the moral character of man, by a system which makes expediency (in whatever sense the word be used) the test of right and wrong, we may affirm, on a more general view, that the rule itself is utterly unfitted to his capacity. Feeble as man may be, he forms a link in a chain of moral causes, ascending to the throne of God; and trifling as his individual acts may seem, he tries in vain to follow out their consequences as they go down into the countless ages of coming time. Viewed in this light, every act of man is woven into a moral system, ascending through the past—descending to the future—and preconceived in the mind of the Almighty. Nor does this notion, as far as regards ourselves, end in mere quietism and necessity. For we know right from wrong, and have that liberty of action which implies responsibility; and, as far as we are allowed to look into the ways of Providence, it seems compatible with his attributes to use the voluntary acts of created beings, as second causes in working out the ends of his own will. Leaving, however, out of question that stumbling-block which the prescience of God has often thrown in the way of feeble and doubting minds, we are, at least, certain, that man

has not foreknowledge to trace the consequences of a single action of his own; and hence that utility (in the highest sense of which the word is capable) is, as a test of right and wrong, unfitted to his understanding, and therefore worthless in its application.'—pp. 63, 64.

Mr. Sedgwick appears to be one of that numerous class who never take the trouble to set before themselves fairly any opinion which they have an aversion to. Who ever said that it was necessary to foresee all the consequences of each individual action, 'as they go down into the countless ages of coming time?' Some of the consequences of an action are accidental; others are its natural result, according to the known laws of the universe. The former, for the most part, cannot be foreseen; but the whole course of human life is founded upon the fact that the latter can. In what reliance do we ply our several trades—in what reliance do we buy or sell, eat or drink, write books or read them, walk, ride, speak, think, except on our foresight of the consequences of those actions? The commonest person lives according to maxims of prudence wholly founded on foresight of consequences; and we are told by a wise man from Cambridge, that the foresight of consequences, as a rule to guide ourselves by, is impossible! Our foresight of consequences is not perfect. Is anything else in our constitution perfect? *Est quodam prodire tenus, si non datur ultra: Non possis oculo quantum contendere Lynceus; Non tamen idcirco contemnas lippus inungi.* If the Professor quarrels with such means of guiding our conduct as God has given us, it is incumbent on him to show that, in point of fact, God has thought fit to furnish us with better. Does the moral sense, allowing its existence, point out any surer practical rules? If so, let us have them in black and white. If nature has given us rules which suffice for our conduct, without any consideration of the probable consequences of our actions, produce them. But no; for two thousand years, nature's moral code has been a topic for declamation, and no one has yet produced a single chapter of it: nothing but a few elementary generalities, which are the mere alphabet of a morality founded upon utility. Hear Bishop Butler, the oracle of the moral sense school, and whom our author quotes:—

'However much men may have disputed about the nature of virtue, and whatever ground for doubt there may be about particulars, yet in general there is an universally acknowledged standard of it. It is that which all ages and all countries have made a profession of in public; it is that which every man you meet puts on the show of; it is that which the primary and fundamental laws of all civil constitutions over the face of the earth make it their business and endeavour to enforce the practice of upon mankind: namely, justice, veracity, and regard to the common good.'—p. 130.

Mr. Sedgwick praises Butler for not being more explanatory.* Did Butler, then, or does Mr. Sedgwick, seriously believe that mankind have not sufficient foresight of consequences to perceive the advantage of 'justice, veracity, and regard to the common good?' That, without a peculiar faculty, they would not be able to see that these qualities are useful to them?

When, indeed, the question arises, *what is* justice?—that is, what are those claims of others which we are bound to respect? and *what is* the conduct required by 'regard to the common good?' the solutions which we can deduce from our foresight of consequences are not infallible. But let any one try those which he can deduce from the moral sense. Can we deduce any? Show us, written in the human heart, any answer to *these* questions. Bishop Butler gives up the point; and Mr. Sedgwick praises him for doing so. When Mr. Sedgwick wants something definite, to oppose to the indefiniteness of a morality founded on utility, he has recourse not to the moral sense, but to Christianity. With such fairness as this does he hold the scale between the two principles: he supposes his moral-sense man provided with all the guidance which can be derived from a revelation from heaven, and his 'utilitarian' destitute of any such help. When one sees the question so stated, one cannot wonder at any conclusion. Need we say, that Revelation, as a means of supplying the uncertainty of human reason, is as open to one of the two parties as to the other? Need we say that Paley, the very author who, in this Discourse, is treated as the representative of 'the utilitarian system,' appeals to Revelation throughout? and gets no credit from Mr. Sedgwick for it, but the contrary; for Revelation, it seems, may be referred to in aid of the moral sense, but not to assist or rectify our judgments of utility.

The truth, however, is, that Revelation, as Paley has justly observed, gives little guidance in the details of ethics. Christianity does not deliver a code of morals, any more than a code of laws. Its practical morality is altogether indefinite, and was meant to be so. This indefiniteness has been considered by some of the ablest defenders of Christianity as one of its most signal merits, and among the strongest proofs of its divine origin: being the quality which fits it to be a universal religion, and distinguishes it both from the Jewish dispensation, and from all other religions, which, as they invariably enjoin, under

* 'Here everything,' says he, 'remains indefinite: yet all the successive propositions have their meaning. The author knew well that the things he had to deal with were indefinite, and that he could not fetter them in the language of a formal definition, without violating their nature. But how small has been the number of moral writers who have understood the real value of this forbearance!'

their most awful sanctions, acts which are only locally or temporarily useful, are in their own nature local and temporary. Christianity, on the contrary, influences our actions only by shaping the character itself: it aims at so elevating and purifying the desires, that there shall be no hindrance to the fulfilment of our duties when recognised; but of what our duties are, at least in regard to outward acts, it says very little but what all moralists have said. If, therefore, we would have any definite morality at all, we must perforce resort to that 'foresight of consequences' of the difficulties of which the Professor has so formidable an idea.

But this talk about uncertainty is mere exaggeration. There might be uncertainty, if each individual had all to do for himself, and only his own experience to guide him. But we are not so situated. Every one directs himself in morality, as in all his conduct, not by his own unaided foresight, but by the accumulated wisdom of all former ages, in the form of traditional aphorisms. So strong is the disposition to submit to the authority of such traditions, and so little danger is there of erring on the other side, that the absurdest customs are perpetuated through a lapse of ages from no other cause. A hundred millions of human beings think it the most exalted virtue to swing by a hook before an idol, and the most dreadful pollution to drink cow-broth—only because their forefathers thought so. A Turk thinks it the height of indecency for women to walk in the streets unveiled; and when you tell him that in some countries they do so without any evil result, he shakes his head and says, 'If you hold butter to the fire it will melt.' Did not many generations of the most educated men in Europe believe every line of Aristotle to be infallible? So difficult is it to break loose from a received opinion. The progress of experience, and the growth of the human intellect, succeed but too slowly in correcting and improving traditional opinions. There is little fear, truly, that the mass of mankind should insist upon 'tracing the consequences of actions' by their own unaided lights;—they are but too ready to let it be done for them once for all, and to think they have nothing to do with rules of morality (as the Tories say they have with the laws) but to obey them.

Mr. Sedgwick is master of all the hack phrases of those who know nothing of the principle of utility but the name. To act upon rules of conduct, of which utility is recognised as the basis, he calls 'waiting for the calculations of utility'—a thing, according to him, in itself immoral, since 'to hesitate is to rebel.' Upon the same principle, navigating by rule instead of

by instinct might be called waiting for the calculations of astronomy. Who puts off his calculations till the vessel is in the middle of the South Sea? Because a sailor has not verified all the computations in the Nautical Almanac, does he therefore 'hesitate' to use it?

Thus far Mr. Sedgwick on the difficulties of the principle of utility, when we mean to apply it honestly. It will scarcely be required of us to say more on this part of the question. But he further charges the principle with having a 'debasing' and 'degrading' effect.

A word like 'debasing,' applied to anything which acts upon the mind, may mean several things. It may mean making us unprincipled; regardless of the rights and feelings of other people. It may mean, making us slavish; spiritless, submissive to injury or insult; incapable of asserting our own rights, and vindicating the just independence of our minds and actions. It may mean, making us cowardly; slothful; incapable of bearing pain, or nerving ourselves to exertion for a worthy object. It may mean, making us narrow-minded; pusillanimous, in Hobbes's sense of the word: too intent upon little things to feel rightly about great ones: incapable of having our imagination fired by a grand object of contemplation; incapable of thinking, feeling, aspiring, or acting, upon any but a small scale. An opinion which produced any of these effects upon the mind would be rightly called debasing. But when, without proving, or even in plain terms asserting, that it produces these effects, or any effects which he can make distinctly understood, a man merely says of an opinion that it is debasing,—all he really says is, that he has a dislike to the opinion, and that he does not know why, but finding himself dislike it, concludes that it must be very bad. What definite proposition concerning the effect of any doctrine on the mind can be extracted from such a passage as this?—

'If expediency be the measure of right, and every one claim the liberty of judgment, virtue and vice have no longer any fixed relations to the moral condition of man, but change with the fluctuations of opinion. Not only are his actions tainted by prejudice and passion, but his rule of life, under this system, must be tainted in like degree—must be brought down to his own level: for he will no longer be able, compatibly with his principles, to separate the rule from its application. No high and unvarying standard of morality, which his heart approves, however infirm his practice, will be offered to his thoughts. But his bad passions will continue to do their work in bending him to the earth; and unless he be held upright by the strong power of religion (an extrinsic power which I am not now considering) he will inevitably be carried down, by a degrading standard of action, to a sordid and gro-

velling life.—It may perhaps be said, that we are arguing against a rule, only from its misapprehension and abuse. But we reply, that every precept is practically bad when its abuse is natural and inevitable—that the system of utility brings down virtue from a heavenly throne, and places her on an earthly tribunal, where her decisions, no longer supported by any holy sanction, are distorted by judicial ignorance, and tainted by base passion.'—p. 63.

What does this tell us? First, that if utility be the standard, different persons may have different opinions on morality. This is the talk about uncertainty, which we have already disposed of. Next, he says, that where there is uncertainty, men's passions will bias their judgment. Granted; this is one of the evils of our condition, and must be borne with. We do not diminish it by pretending that nature tells us what is right, when nobody ever ventures to set down what nature tells us, nor affects to expound her laws in any way but by an appeal to utility. All that the remainder of the passage does, is to repeat, in various phrases, that Mr. Sedgwick feels such a 'standard of action' to be 'degrading;' that Mr. Sedgwick feels it to be 'sordid' and 'grovelling.' If so, nobody can compel Mr. Sedgwick to adopt it. If he feels it debasing, no doubt it would be so to him. But until he is able to show some reason why it must be so to others, may we be permitted to suggest, that perhaps the cause of its being so to himself, is only that he does not understand it?

Read this:—

'Christianity considers every act grounded on mere worldly consequences as built on a false foundation. The mainspring of every virtue is placed by it in the affections, called into renewed strength by a feeling of self-abasement—by gratitude for an immortal benefit—by communion with God—and by the hopes of everlasting life. Humility is the foundation of the Christian's honour—distrust of self is the ground of his strength—and his religion tells him that every work of man is counted worthless in the sight of heaven, as the means of his pardon or the price of his redemption. Yet it gives him a pure and perfect rule of life; and does not for an instant exempt him from the duty of obedience to his rule: for it ever aims at a purgation of the moral faculties, and a renewal of the defaced image of God; and its moral precepts have an everlasting sanction. And thus does Christian love become an efficient and abiding principle—not tested by the world, but above the world; yet reaching the life-spring of every virtuous deed, and producing in its season a harvest of good and noble works incomparably more abundant than ever rose from any other soil.

'The utilitarian scheme starts, on the contrary, with an abrogation of the authority of conscience—a rejection of the moral feelings as the test of right and wrong. From first to last, it is in bondage to the world, measuring every act by a worldly standard, and estimating its value by worldly consequences. Virtue becomes a question of calcula-

tion—a matter of profit or loss; and if man gain heaven at all on such a system, it must be by arithmetical details—the computation of his daily work—the balance of his moral ledger. A conclusion such as this offends against the spirit breathing in every page of the book of life; yet is it fairly drawn from the principle of utility. It appears, indeed, not only to have been foreseen by Paley, but to have been accepted by him—a striking instance of the tenacity with which man ever clings to system, and is ready to embrace even its monstrous consequences rather than believe that he has himself been building on a wrong foundation.'—pp. 66, 67.

In a note, he adds,—

'The following are the passages here referred to:—

'"The Christian religion hath not ascertained *the precise quantity of virtue* necessary to salvation."

'"It has been said, that it can never be a just economy of Providence to admit one part of mankind into heaven, and condemn the other to hell; since there must be very little to choose between the worst man who is received into heaven, and the best who is excluded. And how know we, it might be answered, but that there may be as little to choose in their conditions?"'—*Moral Philosophy*, book i. ch. 7.

'In the latter years of his life, Paley would, I believe, have been incapable of uttering or conceiving sentiments such as these.'

So that a 'purgation of the moral faculties' is necessary: the moral feelings require to be corrected. Yet the moral feelings are 'the test of right and wrong'; and whoever 'rejects' them as a test, must be called hard names. But we do not want to convict Mr. Sedgwick of inconsistency; we want to get at his meaning. Have we come to it at last? The gravamen of the charge against the principle of utility seems to lie in a word. Utility is a *worldly* standard; and estimates every act by *worldly* consequences.

The Professor is like other persons whose intellects are not used to grapple with things: all his feelings hang upon words. There is nothing you might not disgust him with, if, by taking advantage even of an ambiguity, you could fasten upon it a bad word. To make his assertion about the *worldliness* of the standard of utility, true, it must be understood in one sense; to make it have the invidious effect which is intended, it must be understood in another. By 'worldly,' does he mean to insinuate what is commonly meant when we use the word as a reproach—an undue regard to interest in the vulgar sense, our wealth, power, social position, and the like, our command over agreeable outward objects, and over the opinion and good offices of other people? If so, to call utility a worldly standard is misrepresentation. It is not true that utility estimates actions by this sort of consequences; it estimates them by *all* their consequences. If he means that the principle of utility

regards only (to use a scholastic distinction) the *objective* consequences of actions, and omits the *subjective*; attends to the effects on our outward condition, and that of other people, too much—to those on our internal sources of happiness or unhappiness, too little; this criticism is, as we have already remarked, in some degree applicable to Paley; but to charge this blunder upon the principle of utility, would be to say, that if you judge of a thing by all its consequences, you will judge only by some. Again, if Mr. Sedgwick meant to speak of a 'worldly standard' in contradistinction to a religious standard, and to say that if we adopt the principle of utility, we cannot admit religion as a sanction for it, or cannot attach the fitting importance to religious motives or feelings, the assertion would be simply false, and a gross calumny even against Paley. What, therefore, can Mr. Sedgwick mean? Simply this: that our actions take place in the world: that their consequences are produced in the world; that God has placed us in the world; and that there, if anywhere, we must earn a place in heaven. The morality founded on utility allows this, certainly: does Mr. Sedgwick's system of morality deny it?

Mark the trick of words involved in this sentence: 'Christianity considers every act grounded on mere worldly consequences as built on a false foundation.' What is saving a father from death, but saving him from a worldly consequence? What are healing the sick, clothing the naked, sheltering the houseless, but acts which wholly consist in producing a worldly consequence? Confine Mr. Sedgwick to unambiguous words, and he is already answered. What is really true is, that Christianity considers no act as meritorious which is done from mere worldly *motives*; that is, which is in no degree prompted by the desire of our own moral perfection, or of the favour of a perfect being. These motives, we need scarcely observe, may be equally powerful, whatever be our standard of morality, provided we believe that the Deity approves it.

Mr. Sedgwick is scandalized at the supposition that the place awarded to each of us in the next world will depend upon the balance of the good and evil of our lives. According to his notions of justice, we presume, it ought to depend wholly upon one of the two. As usual, Mr. Sedgwick begins by a misapprehension; he neither understands Paley, nor the conclusion which, he says, is 'fairly drawn from the principles of utility.' Paley held, with all Christians, that our place hereafter would be determined by our degree of moral perfection; that is, by the balance, not of our good and evil *deeds*, which depend upon opportunity and temptation, but of our good and evil *dispositions*; by the intensity and continuity of our *will* to

do good; by the strength with which we have *struggled* to be virtuous; not by our accidental lapses, or by the unintended good or evil which has followed from our actions. When Paley said that Christianity has not ascertained 'the precise quantity of virtue necessary to salvation,' he did not mean the number or kind of beneficial actions; he meant, that Christianity has not decided what positive strength of virtuous inclinations, and what capacity of resisting temptations, will procure acquittal at the tribunal of God. And most rightly is this left undecided. Nor can there be a solution more consistent with the attributes which Christianity ascribes to the Deity, than Paley's own—that every step we gain in moral perfection, will be something gained towards our everlasting welfare.

The remainder of Mr. Sedgwick's argument—if argument it can be called— is a perpetual *ignoratio elenchi*. He lumps up the principle of utility—which is a theory of right and wrong—with the theory, if there be such a theory, of the universal selfishness of mankind. We never know for many sentences together, which of the two he is arguing against; he never seems to know it himself. He begins a sentence on the one, and ends it on the other. In his mind they seem to be one and the same. Read this:—

'Utilitarian philosophy and Christian ethics have in their principles and motives no common bond of union, and ought never to have been linked together in one system: for, palliate and disguise the difference as we may, we shall find at last that they rest on separate foundations; one deriving all its strength from the moral feelings, and the other from the selfish passions of our nature.'—p. 67.

Or this,—

'If we suppress the authority of conscience, reject the moral feelings, rid ourselves of the sentiments of honour, and sink (as men too often do) below the influence of religion; and if, at the same time, we are taught to think that utility is the universal test of right and wrong; what is there left within us as an antagonist power to the craving of passion, or the base appetite of worldly gain? In such a condition of the soul, all motive not terminating in mere passion becomes utterly devoid of meaning. On this system, the sinner is no longer abhorred as a rebel against his better nature—as one who profanely mutilates the image of God; he acts only on the principles of other men, but he blunders in calculating the chances of his personal advantage: and thus we deprive virtue of its holiness, and vice of its deformity; humanity of its honour, and language of its meaning; we shut out, as no better than madness or folly, the loftiest sentiments of the heathen as well as of the Christian world; and all that is great or generous in our nature droops under the influence of a cold and withering selfishness.'—pp. 76, 77.

A writer who heaps abuse in this style upon an opinion, and

upon those who profess it, when every word he writes proves that he has never taken the trouble even to know the meaning of the terms in which it is conveyed, is not free from moral culpability. What has 'calculating the chances of personal advantage' to do with the principle of utility? The object of Mr. Sedgwick is, to represent that principle as leading to the conclusion, that a vicious man is no more a subject of disapprobation than a person who blunders in a question of prudence. If Mr. Sedgwick did but know what the principle of utility is, he would see that it leads to no such conclusion. Some people have been led to that conclusion, not by the principle of utility, but by a theory of motives, which has been called the selfish theory; and even from that it does not justly follow.

The finery about shutting out 'lofty sentiments' scarcely deserves notice. It resembles what he says in the next page, about 'suppressing all the kindly emotions which minister to virtue.' This may not be wilful misrepresentation, but it is the very next thing to it—misrepresentation in voluntary ignorance. Who proposes to suppress a single kindly emotion? Human beings, the Professor may be assured, will always love and honour every sentiment, whether 'lofty' or otherwise, which is either directly pointed to their good, or tends to raise the mind above the influence of the petty objects for the sake of which mankind injure one another. The Professor is afraid that the sinner will be 'no longer abhorred.' We imagined that it was not the sinner who should be abhorred, but sin. Mankind, however, are sufficiently ready to abhor whatever is obviously noxious to them. A human being filled with malevolent dispositions, or coldly indifferent to the feelings of his fellow-creatures, will never, the Professor may assure himself, be amiable in their eyes. Whether they will speak of him as 'a rebel against his better nature,'—'one who profanely mutilates the image of God,' and so on, will depend upon whether they are proficients in common-place rhetoric. But whatever words they use, rely on it, that, while men dread and abhor a wolf or a serpent, which have no 'better nature,' and no image of God to mutilate, they will abhor with infinitely greater intensity a human being who, outwardly resembling themselves, is inwardly their enemy, and, being far more powerful than 'toad or asp,' voluntarily cherishes the same dispositions to evil.

If utility be the standard, 'the end,' in the Professor's opinion, 'will be made to sanctify the means' (p. 78). We answer—just so far as in any other system, and no further. In every

system of morality, the end, when good, justifies all means which do not conflict with some more important good. On Mr. Sedgwick's own scheme, are there not ends which sanctify actions, in other cases deserving the utmost abhorrence—such, for instance, as taking the life of a fellow-creature in cold blood, in the face of the whole people? According to the principle of utility, the end justifies all means necessary to its attainment, except those which are more mischievous than the end is useful. What fault can the Professor find with this?

We have now concluded our exhibition of Mr. Sedgwick: first, as a commentator upon the studies which form part of a liberal education; and next, as an assailant of the 'utilitarian theory of morals.' We have shown that, on the former subject, he has omitted almost every thing which ought to have been said; that almost all which he has said is trivial, and much of it false. With regard to the other part of his design, we have shown that he has not only failed miserably to refute the doctrine that human happiness is the foundation of morality, but has, in the attempt, proved himself not to understand what the doctrine is; to be ignorant of almost everything which it is peculiarly incumbent upon a philosopher to know; and to be capable of blackening other men's opinions, and themselves, without the slightest pretensions to a knowledge of either.

Such is a man whom general opinion places in the foremost rank of Cambridge minds. Such, if we might judge from this specimen, is Cambridge herself.

It would be unjust, however, even to Cambridge, to assume that she, in reality, produces no minds entitled to look down upon such a specimen of thinking and writing as this Discourse. We trust there are, and that they are ashamed of it. Neither do we impute to all who reject, even in the most violent manner, the principle of utility, such a character of intellect as, after the above evidence, we cannot help assigning to Mr. Sedgwick. We know that there are among them minds of almost every degree of power and intellectual accomplishments. But we have never heard one of their arguments which did not appear to us unworthy of such men; and although they are far from coinciding in all Mr. Sedgwick's sentiments, yet in answering him, we have often, by implication, answered them.

The question is not one of pure speculation. Not to mention the importance, to those who are entrusted with the education of the moral sentiments, of just views respecting their origin and nature; we may remark that, upon the truth or falseness of the doctrine of a moral sense, it depends whether

morality is a fixed or a progressive body of doctrine. If it be true that man has a sense given him to determine what is right and wrong, it follows that his moral judgments and feelings cannot be susceptible of any improvement; such as they are, they ought to remain. The question, what mankind in general *ought* to think and feel on the subject of their duty, must be determined by observing what, when no interest or passion can be seen to bias them, they think and feel already. Accordingly this is an admirable doctrine for those who have hitherto, by education and government, had the framing of the opinions and feelings of mankind mainly in their own hands. A general prejudice may, on this scheme, be at any time erected, by those who are disinterestedly attached to it, or by those whose convenience it suits, into a law of our universal nature.

According to the theory of utility, on the contrary, the question, what is our duty, is as open to discussion as any other question. Moral doctrines are no more to be received without evidence, or to be sifted less carefully, than any other doctrines. An appeal lies, as on all other subjects, from a received opinion, however generally entertained, to the decisions of cultivated reason. The weakness of human intellect, and all the other infirmities of our nature, are considered to interfere as much with the rectitude of our judgments on morality, as on any other of our concerns; and changes as great are anticipated in our opinions on that subject, as on every other, both from the progress of intelligence, from more authentic and enlarged experience, and from alterations in the condition of the human race, requiring altered rules of conduct.

The question, therefore, is of the utmost importance. And it deeply concerns the greatest interests of our race, that the only mode of treating ethical questions, which even *aims* at correcting existing maxims, and rectifying any of the perversions of existing feeling, should not be borne down by clamour. All who do not think the morality taught to English gentlemen at English universities perfect, are interested in withstanding the attempt. The contemners of analysis have long enough had all the pretension to themselves. They have had the monopoly of the claim to pure, and lofty, and sublime principles; and those who gave reasons to justify their feelings have submitted to be cried down as low, and cold, and degraded. We hope they will submit no longer. Our part, at least, shall not be wanting; and whoever shall hereafter deal with this question in Mr. Sedgwick's manner, may expect, if he be a person whose reputation or influence render it needful, a no less unsparing exposure. A.

Art. VI.

SOUTH AMERICA.

Journal of the Royal Geographical Society of London, 1830-1-2.

1. *Lloyd's Notes respecting the Isthmus of Panama.*
2. *Some Observations upon the Geography of the Southern Extremity of South America, Tierra del Fuego and the Strait of Magalhaens. By Captain Philip Parker King.*
3. *On the State of Civil and National Right among the Aboriginal Inhabitants of Brazil. An Essay by Dr. C. F. Ph. Von Martius.*
4. *Notices of the Indians settled in the Interior of British Guiana. By William Hilhouse, Esq.*
5. *On the Hydrography of South America. Pamphlets published in Buenos Ayres in* 1831, *and sent to the Geographical Society.*

PAMPHLETS published in Buenos Ayres on the subject of inland water-transport! How much this little fact speaks in evidence of progressive improvement in a country, whose tales of weekly revolutions have impressed the minds of credulous Tory-stirred alarmists with the conviction that the inhabitants are of the nature of the famed cats of Kilkenny, who, as the tale goes, utterly disappeared in the process of combat for mastery. People who are bent on extending their commerce, are not very likely to waste their time in internal struggles, for any long period. Printing and travelling—a newspaper and a road—are the surest instruments of mental and physical progression; and did we not know from other sources, that civilization is rapidly advancing in Buenos Ayres, these simple facts would be sufficient to prove it.

Mr. Lloyd, too, has been long at Panama, gathering knowledge '*pour servir à l'œuvre*' (as the French say of their innumerable memoirs) of facilitating commerce by constructing a water-road between the Atlantic and the Pacific oceans, and thus lessening the total amount of human labour imposed upon the inhabitants of this beautiful earth. Mr. Lloyd tells us of excellent materials for human uses to be found in this far-famed isthmus: 'limestone, flint, chalcedony, jasper, ironstone, firestone, clay, loam, sand, copper, and iron—together with ninety-seven species of wood, producing fruit, and serving as timber to the cabinet-maker, turner, builder, shipwright, and wheelwright.'

Nor have the water-roads of the South been neglected. The famed strait of Magalhaens has been once more explored, and the results given to the world by Captain King, who tells us of

things which prove that the long-dreaded region of the stormy Horn, is not fearful to human beings capable of observation and examination;—that, if necessary, a colony might exist there with far greater comfort than on our own Scilly or Shetland isles. His notes, in passing, tell of

'Good harbours—wood and water equally abundant—fish easily caught—race-horse ducks, geese, wild ducks—woods—undulating grassy plains, occasionally watered by rivulets—luxuriant grass and trefoil, soil light and tolerably good—guanacoes—country open, and covered with luxuriant grass—herds of deer—sea-otters—black-necked swans—ever-green beeches of four feet diameter—a tree with the appearance and habit of a cypress—aromatic bastard cinnamon, and red wood—abundant grasses, forming the chosen and nourishing food of large herds of guanacoes—large woody-stemmed trees of *Fuchsia* and *Veronica*, the latter growing in the very wash of the sea—parrots and humming-birds very numerous in the southern and western part of the strait.'

A tolerably full catalogue of things useful to man, and assuredly only to be found in a favourable climate. There are people in the north of Scotland, and the north of Ireland too, who would gladly exchange the penury of their own homes for so plentiful a wilderness, evidently capable of improvement. In after years, when the southern end of Chile shall have become a ship-producing territory, the Straits of Magalhaens will not be left without civilized inhabitants. We owe thanks to Captain King for the information he has given us; and we rejoice to think that English national vessels have been once more employed in rendering a service to humanity, less questionable than their more vulgar employment of bloodshed. English mental energy is bursting the bonds of prescription; and it is no slight cause of human triumph to find, that from amongst soldiers and sailors, a host of men are arising, who both directly and indirectly, are promoting alike human knowledge and human freedom. The Geographical Society, by gathering together in their published journal the results of the labours of travellers, do much to stimulate the spirit of enterprise, which, though not always directed to the best objects, still serves to swell the aggregate amount of useful knowledge.

It is desirable that every portion of the world which can be made available to human happiness should be peopled; and to obtain this end, the physical aspect and capabilities of every portion of the world must first be made known. For want of this knowledge it is, that first colonists almost invariably suffer a great amount of misery in 'taming the wilderness;' and it is by the possession of the needful portion of such knowledge that the pioneers of the Northern American wilderness contrive

scarcely to suffer at all in their removals from the haunts of the civilized man to those of the savage.

A traveller of great powers of observation is not always synonymous with one of sound judgment and philosophic insight. Dr. Von Martius* does not go quite the length of Buffon and Baron de Pauw, in regarding all American organization as degenerate; but with regard to man himself, the chief of all, his depreciating estimate and sweeping condemnation are unjust. He has examined the worst parts of the race, and taken them as a fair sample of the whole—seeming not to be aware that there is as much difference among aboriginal Americans as there is among aboriginal Europeans.

'While in other parts of the world we see various degrees of intellectual development and retardation simultaneously and proximately occurring—the ever-varying consequences of the changing course of events—the whole aboriginal population of America, on the contrary, exhibits one monotonous poverty of intellect and mental torpor: as if neither internal emotions nor the impression of external objects had been able to rouse and release them from their moral inflexibility. This is the more astonishing, as it appears to extend from pole to pole, and applies to the inhabitants of the tropics as well as to the natives of the frozen zones.'

A simple reference to the history of the American conquest is sufficient to prove that this is not the fact. The natives of the Antilles were a gentle race, and easily conquered. The natives of Mexico, on the contrary, were fierce and energetic, and were only overcome, because their assailants possessed more effective weapons and better discipline. The natives of Peru were immeasurably inferior to the Mexicans, both in courage, energy, and intellect, and they fell without a struggle. The natives of Chile maintained a war with their Spanish invaders for upwards of two hundred years; and they are free even at the present day—free upon the very soil whose possession they have maintained by the strength of their right arms and the power of their intellect. Had Dr. Von Martius visited Peru and Chile, his powers of observation would not have been slow to recognise the difference between the dull, coward-hearted Indian peasant of Peru—physically and mentally a slave—and the hilarious, healthy-looking, Indian-descended, civilized Chileno, alike brave and docile.

It is a remarkable fact, that the characteristics of the present inhabitants of the various portions of Southern America differ little from those of the Aborigines—a proof that soil and climate, as well as hereditary descent, have much to do in determining the qualities of the inhabitants of any portion

* So spelt in the Geographical Transactions. Should not the name be *Von Martens?*

of the earth. Yet, though these causes are powerful, they are not all-powerful. Indian peculiarities—like German, or English, or Irish peculiarities—are the result of peculiar circumstances acting upon peculiar temperament; and different circumstances would produce a different result.

Notwithstanding all that has of late years been written concerning South America, the condition and prospects of that great continent, and the character of its various inhabitants, are still far from being well understood. We are enabled, from a personal residence, to furnish something towards increasing the general stock of knowledge on the subject. On the present occasion, we shall principally confine ourselves to the federal republic of Buenos Ayres—one of the most prosperous and civilized of the ancient Spanish colonies, and the first which threw off the yoke of the mother country. The revolution of Buenos Ayres, and the brave resistance to foreign invasion which preceded it, mark a people possessed of the same characteristics as the aborigines of their own provinces—strong hatred of coercion, love of perilous enterprise, and dislike of consecutive labour.

But for the English invasion of Buenos Ayres, under Beresford, it is probable that freedom would there have remained in abeyance some years longer. The whole circumstances of that invasion's progress, from the very outset, are strongly indicative of the cruelty, ignorance, and rapacity by which Tory government in England has ever been characterised. The Cape of Good Hope had been taken from the Dutch by an English expedition, and General Beresford found himself there in command of some sixteen hundred troops, ready for the licensed robbery of war, but without any specific purpose in view. Some two or three ignorant men, who had been at Buenos Ayres, happened at that time to be at the Cape, and upon their representations of the defenceless condition of the Spanish colonists, and possibly, also, from some vague notions of boundless wealth existing in a territory called by the fascinating name of La Plata, it was resolved, with sixteen hundred men, to invade and plunder Buenos Ayres, and then retain it as a colony for the perpetuation of Tory misrule. The expedition was in part successful. The energy of the people of Buenos Ayres had been crushed by Spanish tyranny and imbecility. It had never been called forth, and the people were unconscious that they possessed it. The puppet Spanish Viceroy fled with his troops and treasure on the landing of the English, and General Beresford became military ruler in his stead. But a short time elapsed ere the people, who were supposed to be conquered, found out that it

was their own business to defend themselves against invaders, a matter which, up to that period, they had supposed to be the peculiar business of the king, his officers and soldiers. A French merchant, named Liniers, took the part of leader, and gave the people the training and organization they were lacking. The result was, that the English were attacked in turn, and complained bitterly that their enemies did not observe the exact rules of war in overpowering them. Invaders—who, for their own plundering purposes, disturbed a peaceable people who had never so much as heard of them; killing, wounding, robbing, and domineering over them at their pleasure, and then, forsooth, complaining, and talking of 'rules of war' when their own turn came! The invaders were conquered, forced to surrender, and scattered through the land. Good then began to work out of evil. The vanquished soldiers began to prate of English *freedom*. It was like inoculation to the Spanish colonists, and public opinion for the first time spread rapidly. But the hour was not yet come. The Tory faction, which ruled England and warred with France, sent ten thousand men, under Whitelock, to maintain in permanence the conquest which Beresford somewhat prematurely had boasted of. It was in vain: the ten thousand were defeated so soon as they had landed, by an enthusiastic population, who fought for their own hearths; who, in the course of a few months, had learned skilfully to wield weapons without hire. The would-be conquerors capitulated in panic terror. Monte Video was at that time in the undisturbed possession of the English, and being a fortified town, it might have been maintained; but to escape further scath, that also was resigned by the spirit-crushed red-coats.* No long period elapsed ere the people of Buenos Ayres declared themselves freemen, independent of the yoke of Spain. It needed little intellect to draw the conclusion, that if Spain was unable to defend her colonies against foreigners she could scarcely hold them against the will of the colonists themselves. And the colonists owed Spain no love. She had been a harsh stepmother to them, making them hewers of wood and drawers of water, for the benefit of her own proud children. She had prohibited them from planting the vine and the olive, and when they had been planted in violation of her commands, she was about to issue an order for their extirpation, when the revolution prevented her.

* When the capitulation was drawing up by the native leaders, its first purport was merely to surrender and yield undisturbed possession of Buenos Ayres. One of the leaders, named Alzaga, on perusing it, desired that Monte Video might also be inserted. He was laughed at by the others, as it was considered absurd to ask such a thing; but he persevered, and the capitulation was signed without question by Whitelock.

When Buenos Ayres was declared free, the foreign commerce which had commenced with the British invasion began rapidly to increase. The Spaniards had possession of Monte Video, and a large squadron of their ships of war blockaded Buenos Ayres, to prevent the egress or regress of foreign vessels. Many English merchants had, by that time, established themselves in the town, and their attachment to South American freedom was by no means lessened by the prospect of the extinction of their fortunes under Spanish despotism. Had the contest been on firm land, the newly appointed republican rulers would soon have assembled an army of mounted Gauchos, aided by a town infantry, to bring the matter to a favourable issue, but on the waters they were powerless, having neither ships nor sailors. But they were not long at a loss. The personal interests of the foreigners sharpened their faculties, and developed resources in the time of need. Blockaded merchant-vessels could not possibly work to profit, and their owners sold to the republican government as many as they were willing to buy. One of those owners, an Irishman named Brown, whose property had been acquired by trading to Buenos Ayres, and subsequently much injured by the Spanish blockade, considered that, as he himself was of no use without his ships, he might as well sell himself with them. Accordingly, from Mr. Brown, merchant, he became Admiral Brown, of the Independent Republic of Buenos Ayres. Courage he possessed in abundance, and much of that peculiar skill which is acquired in a smuggling life, the art which enables a small force to out-manœuvre a large one. He quickly converted his merchantmen into half-painted, half-pitched, piratical-looking men-of-war, and though the guns he was enabled to procure for the armament were all ill-sorted and suited, his men were first-rate. He had the choice of the foreign unemployed seamen, who had a personal grudge against the Spaniards for throwing them out of work: and many of the black-haired, black-eyed, half-Indian half-Spanish race, were well pleased to try the fortune of war on a new element, under foreign tuition. The Spaniards, with their usual pompous vaunting, scoffed at the idea of being attacked by a fleet of transformed merchantmen, but when the motley armament of the patriots sailed, their boasting was changed into humiliation. After a desperate fight of several hours' continuance the Spanish fleet abandoned the River Plata, never more to return. Some of their number were left in the power of the patriots. Not satisfied with this achievement, Admiral Brown landed his men at night-fall, and carried by storm the town of Monte Video, which, but for his promptitude, might have remained in the power of the Spaniards for an

indefinite period of time, a constant plague to Buenos Ayres. Having thus triumphantly accomplished more than his bargain, Admiral Brown returned to his republican employers, to claim his reward and prize-money. But the state treasure-chest was empty; and as a set-off, the government granted him a privateering commission, and lent him a ship, guns, and ammunition, stipulating for a share of the plunder. Brown was well pleased with this arrangement, and proceeded forthwith round Cape Horn, to plunder the sea-ports of the Pacific, which yielded him a golden harvest, having been untouched by invading enemies since the time of Anson. The history of the various turns of fate subsequently experienced by this man, would form a volume of romance.

Buenos Ayres has ever since remained an independent state, holding much influence over the large continent to which she set the first example of freedom. The civil struggles for power have been almost incessant amongst her influential citizens from that time to this, and she has moreover maintained an obstinate war with Brazil and the frontier Indians. Perfect peace has hardly been known, but the evils of war have scarcely reached the mass of the community, and the progress of improvement has been constant. Some of the consequences of the war with Brazil were even beneficial, for it served still further to develope the national energy, and led to the opening of new sea-ports, and establishment of colonies to the south of Buenos Ayres.

The almost constant state of more or less turbulence, in which most parts of Southern America have existed since the commencement of the various revolutions, has induced many people to think that they are entirely unfitted for freedom, and therefore that it would not be difficult to restore the old mode of rule, or, in default of that, to establish native monarchies, or at least place European monarchs on South American thrones. Those who might calculate on such things would find themselves wofully deceived were they to make the attempt.* The political troubles of America have arisen not so much from the turbulence of the people, as from the ill-guided ambition of the 'families'—'a plague of *all* your houses.' The 'families,' who in America supply the place of our European aristocracies, have, like most aristocracies, keen appetites for power and plunder, but

* Yturbide, the head of one of the Mexican 'families,' got himself proclaimed emperor, and kept his dignity but a short period ere he was deposed and a pension settled on him, with a provision that he was to leave the country and never more set foot in it, on pain of death as an outlaw. He complied, and came to England, but ambition deluded him, and he returned in the hope of becoming emperor once more. Within six hours after being landed from an English ship he was taken prisoner, identified, and shot by summary process.

little intelligence to guide them in the pursuit of their object. Their power is not legal but merely moral. In the present condition of society in most parts of the world, he who possesses more wealth than his neighbours possesses influence over them; but in Southern America, with few exceptions, popular manners must be added to wealth, or it will prove unavailing. From north to south, east to west, America is republican in her manners and customs, whatever the existing institutions or nominal governments may be; always excepting the relations between whites and blacks.

In those districts where the population is scanty as compared with the available land, as for example Buenos Ayres, and the interior provinces of which it is the key, personal independence is carried to the greatest possible extreme. Some written laws exist, it is true, but the real laws are merely laws of custom, arising out of a peculiar system of morality engendered by circumstances, and which are enforced because every one is interested in their maintenance. In each town there is a governor, and a certain number of alcaldes, answering to our aldermen. In the country districts appertaining to the towns, there are local alcaldes, who administer justice after the fashion of the Eastern cadis. As the alcaldes are appointed by the governor, who is mostly a military man, or a man of military pretensions, though in reality dependent on public opinion for his own continuance in office, they of course are mere creatures of the governor, and to preserve their places must make his pleasure their first consideration; next to that they consult their own interest. In disputes between man and man, he who can bribe highest is mostly sure to have the decision in his favour: but the alcalde, as well as the governor, must take care not to stretch this prerogative too far, or the disaffected minority on which he fattens would be swelled to a majority, and the office be altogether lost, if even 'wild justice' did not entirely terminate the existence of the office-holder. The knife is in many cases made the arbiter of disputes, and this excites great horror amongst those who have not examined the philosophy of the matter, and who yet will perhaps unhesitatingly approve of duelling. The existence of duelling is always an evidence of an imperfect state of the social institutions; it proves that there are offences which the law has not yet learned to reach, and for which public morality has made no peaceable provision. In a country like South America many such cases occur amongst the common people. They do not understand, or do not like, the fistic art, and they fight duels with knives. If death ensues as a consequence, foreigners call it by the name

of assassination, though probably the inflictor of the death would feel as much horror at the cold-blooded slaughter of an unarmed foe—'a contrived murder'—as the most determined practiser of modern chivalry would. And, after all, the amount of these plebeian duels is but small; smaller still those which end in death. Abundance of bickering and quarrelling exists amongst the 'families;' but it is a remarkable fact, that there is hardly an instance of private duelling known amongst them. Many of them we have heard express their astonishment and disgust at the existence of the practice amongst Englishmen. The quarrels of the South American aristocracy are prompted by political ambition or pecuniary interest: the former they gratify by intriguing to effect petty revolutions; the latter by law-suits. We have known a man to leave thirty-four *pleitos*, or unfinished chancery suits, as a legacy to his children.

Another peculiarity of the Southern Americans, which strikes Englishmen, is what they call 'bigotry,' and intolerance of foreigners. This is a mistake; the South Americans are not bigoted, but the contrary. Foreigners go to South America not to benefit the natives, but to benefit themselves, and by their superior skill and energy they realize large profits, which the natives cannot do; and, therefore, the short-sighted amongst the natives, comprising a very large majority, grow envious and covetous, seeking to share the profits either by the strong hand or by false pretexts. Difference of religion, under such circumstances, is a very convenient pretext. A South American Catholic thinks the *plunder* of a 'heretic' a very meritorious act; just as Orangemen think it meritorious to take tithes by force from an Irish Catholic. But if an Englishman goes to South America, no matter to what part, merely as a resident or a sojourner, subsisting on his own means, without the desire of any exclusive advantage, he will remain not only unmolested, but respected, in proportion to the superior knowledge he may possess, or be supposed to possess. The curate will probably be his chief friend—if his table be good—and will tell his parishioners, that it is a thousand pities so good a man should be a heretic, but that he lives in hopes of converting him. True, if the Englishman be very wealthy, and his wealth be vested in tangible property on the spot, it will go hard but some of his powerful neighbours will attempt to plunder him of it; if he mingle himself with political affairs, he will be marked out for destruction by those to whose party he may be opposed: but let him not be in a situation to excite cupidity, but possessed of the power to benefit those around him by advice and occasional pecuniary assistance, without trenching upon the

peculiar province of the 'families,' and he will not only be unharmed, but respected and popular. He would be like one of the Jesuits of old among the Indian tribes; he would rule in the majesty of a strong mind over weak ones, if his intellect and morality were of a high order. We know no sphere of human action which could produce so much of pleasurable result to a high nature, as the undertaking to civilize—really to civilize—by the mere force of intellect and example, one of the beautiful districts of the interior of La Plata—Tucuman, or Salta, for example. Some of those districts are at present ruled despotically by single minds, strong, but unfortunately selfish, and acting more upon the fear than the love of those around them; of course tempering that fear with other qualities, without the intermixture of which the fear would not be sufficient for their purposes.

As we have before remarked, the bearing of most of the poorer inhabitants of La Plata, and all those districts where land is plentiful, is perfectly independent; unless perhaps in the case of an immediate domestic, or one specially employed by another. All foreigners who have visited La Plata must have remarked the nonchalance wherewith the poor, ragged, mounted Gaucho of the Pampas gallops past the wealthiest man of the province, unless he happen to know him personally, in which case he may perhaps vouchsafe the civility of the hat, but this more as a duty to his own sense of politeness than to the claim of a superior. Yet, on the western side of the Andes, in the beautiful land of Chile, a marked difference takes place; a rider in broad cloth is invariably saluted on his road with marks of respect by the riders in baize whom he may happen to meet or overtake. Chile, like Peru, is a land of feudality. The whole of the land is owned and occupied; and, till the period of the revolution, there scarcely existed any small holdings. The population being considerable, the landholders had their own way with their tenantry, as Irish landlords have. Yet the civility of the poor Chilenos to their worldly superiors must not be wholly attributed to habits of dependency. They are also extremely civil and polished in their intercourse with each other; as was the characteristic of their Indian ancestry. Something also is owing to their peculiar habits and training. The peasant of the Pampas lives upon flesh alone, and passes a solitary life with intervals of sociality. The food of the Chileno, on the contrary, is almost entirely vegetable, except in the large towns. He lives constantly in society, and is of a most hilarious temperament; he is not so quarrelsome as the inhabitant of the eastern side of the Cordillera, and 'knife-duels' are less

prevalent. He is a cultivator, and not a herdsman; and in the irrigated districts he is accustomed to hire land for a single crop, at the rate of ten shillings per acre. The Chileno 'families' are as great nuisances to him as the Tory families are to England; but he is finding this out, and the quarrel of *Pipioles* and *Pelucones*, i. e., democrats and aristocrats, or *Reasoners* and *Prescriptives*, bids fair to be as pretty a quarrel as any people could desire, and finally to end in the victory of the Reasoners.

We cannot better illustrate the actual state of the law in Buenos Ayres and its neighbourhood, than by an anecdote which came to our knowledge during a residence there. We were acquainted with an Englishman, who, amongst other weaknesses common to humanity, numbered that of a strong attachment, in some cases amounting to almost absurdity, for noble horses; so much so, that if the doctrine of the metempsychosis be true, his spirit must at one time have inhabited the body of an Arab. In Chile, which is not a wild country altogether, the people are usually very much attached to favourite horses, and are careful in breeding them. An ordinary farm-horse is worth from eight to ten dollars, while one of first-rate breed and training is worth from fifty to three hundred. The Gauchos on the Pampas, on the contrary, value horses, but not an individual horse; they are to them mere instruments of locomotion, and one is to them as good as another, if of equal endurance. The horses of the Pampas are exceedingly ordinary animals, compared with those of Chile; consequently, many of the town residents of Buenos Ayres import Chileno horses for their own especial riding, and, contrary to the custom of the country, keep them in stables.

Intending to stay some time in Buenos Ayres, our friend had brought one of these animals from Chile, overland, travelling across the Andes, and by slow progress across the Pampas, with a waggon caravan, for safety, as the marauding Indians were at open war with the Christians. After his arrival, it was his custom to ride, every afternoon or evening, to the outskirts of the city, and his beautiful four-footed friend attracted many observers who wished to become purchasers. Some time before his arrival, in order to prevent the nuisances arising from drunken and quarrelsome people in the streets, and the still more dangerous nuisance of Gauchos galloping at full speed, a municipal regulation had been revived, appointing a number of *celadores*, or police, to patrol the streets, and take into custody all such offenders. This our friend was ignorant of. One evening, his horse was more than usually vivacious as he scented the green turf in the distance—he fairly quarrelled with the

rein, champed the bit, whinnied impatiently, and sidled from one side of the street to the other. Dismounting, his master gave him a water-melon, and then again went on. But he wanted to stretch his limbs into a gallop, and his master would not baulk him longer. Scarcely had he got into a canter, ere a man on horseback, in a half-military dress, overtook him at full speed, and laid his hand on the rein, giving an order to stop. Our friend raised his own whip handle, after the fashion of Pampas pleading, when the assailant let go his hold and drew a pistol, ordering him, in the name of La Patria, to surrender to the police. Our friend did not exactly comprehend what crime he had committed, but was informed that his horse and equipage were forfeited to the law for the crime of galloping in the streets. Several shopkeepers confirmed the fact, and he was under the necessity of riding back with his captor, to deliver his beautiful horse into the hands of the officers of justice. Once or twice he unlawfully deliberated whether it would not be better to disable his companion's bridle-arm, and take the benefit of spur-law, but he was too deep in the streets to distance the hue and cry; and, moreover, *lese*-law is in South America always a greater crime in the city than in the field: and yet more, upon second thoughts he doubted not that at the worst he could make an *empeño*. This latter piece of art-magic his captor did not give him credit for, as his garb savoured more of the wild Gaucho than of a city indweller, his baggage not having arrived. He tried his best to make a short cut to his horse's freedom, by proffering first one and then two five-dollar notes, which was the total amount of cash on his person, to his unpleasant companion, whose virtue, however, scoffed at the idea of a bribe to forego his duty. It afterwards appeared that his virtue was well secured against any ten-dollar temptation, for the law, if carried into effect, doomed the horse and caparison to be sold at public auction, and the proceeds would probably have been two hundred dollars, half of which would have gone to the captor, and half to La Patria,* or some of La Patria's upper servants. With a heavy heart, our friend dismounted at the gate of the Tribunal of Police, and his poor bay was locked up, saddle, bridle, and all, amongst a number of other horses, who were more sinned against than sinning, for their reeking sides and bloody girths showed that their galloping had been by force of their master's will; whereas our friend's four-legged companion was the sole cause of the crime committed. As the door clanged after him, shutting him up in so unwholesome a lodging, his prolonged whinny seemed

* The country or republic.

to chide his master for unkindness in leaving him. 'On foot, in poncho and large spurs,' the most painful circumstances a Pampas rider can imagine, but with the shadows of evening to shroud him, our friend strolled into the Plaza to consider where he could make the best *empeño*. He recollected a letter he had not delivered, from a lady of the interior to her sister, the wife of a member of the government, or army—for they are synonymous—the chief of the engineer department. Thither he bent his steps, and clanked his spurs in the court-yard, while a negress carried in the letter. In a few seconds he was ushered in and welcomed. While sucking a cup of *maté*, he told the story of his horse. '*Picaro!*' said the lady, indignantly, 'does this animal of a *celador* think the law was made to prevent *cavaliers* from galloping. Sit down, Don * * * *, while the girls play and sing; it wants an hour yet to the sitting of the judge to hear the charges of the day; my husband will be in by that time, and will go with you to him.'

At the appointed time they went together to the seat of justice—or law, or *empeño*. The judge was seated in gravity, and clerks and secretaries were seated around him, and a crowd of criminals, and supplicants, and policemen, were awaiting the results of examinations. The officer went up to the judge, and whispered to him. In an instant the horse's foe was called to make his complaint—that the horse had been galloped within the forbidden precincts. The horse's master replied, that he had but lately arrived, and was not aware of the existence of the law. 'Enough,' said the judge, 'let the cavalier have his horse delivered up, it has evidently been a mistake.' 'But,' said the pertinacious *celador*, 'he has attempted to bribe me, an officer of the law.' 'Hold your tongue, fellow!' said the judge, 'and do not interrupt us! let the other causes come on.' 'How is this?' asked one of the bystanders. 'Oh,' replied another, 'Don * * * * has made an *empeño* with the judge!'

There was a different intonation in the horse's whinnying as his master again greeted him. 'Señor Don * * * *,' he said to the officer, 'I feel obliged for the trouble you have taken, and will not infringe the law again.' '*Mi avuela*,'* he made answer, 'the fellow did not know you, or he would not have interfered; gallop when you like, and say you have business in hand for me.' Many times afterwards our friend encountered the *celador* in the streets, and greeted him with a '*Lindo esta el bayo, no? Viva el empeño!*' † The fellow would grin, half in mirth and half in malice, as he rode by.

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* My old grandmother.

† Is not the bright bay beautiful? *Empeño*—*i.e.* influence—for ever!

The district known as the Indian Pampas, and pertaining to the Indian tribes of the south, is bounded on the west by the Andes, on the east by the Atlantic Ocean, on the south by the straits of Magellan, and on the north by the provinces of Buenos Ayres, Santa Fé, Cordova, San Luis, and Mendoça. The total number of Indians therein inhabiting may be roughly estimated at somewhere about ten thousand adults, five thousand of whom may be fighting men. Had these people inhabited fixed residences, they would long ago have been exterminated, but the negro motto obtains with them, 'No catchee no havee, massa.' They wander in small bodies, according as grass and water for the sustenance of their horses and mares may happen to be found. They are all trained to war, and their weapons are long lances of cane with iron heads, knives, and sabres. A great part of the country they inhabit is destitute of water, and another portion, though it has water, is so sandy and barren that it yields no pasture, an insuperable objection with the Indians, whose food is entirely animal. The food of their choice is mare's flesh, but they eat of all other flesh, as horse, mule, black cattle, deer, guanaco, ostrich, viscacha, even to the zorrillo or polecat, with the musky odour of which last they perfume themselves. The wild animals they catch with their balls, or *bolas*,* in the use of which they are unerring. Their dress consists of one poncho over the shoulders, and another round the waist. Their huts are portable, generally about six feet by eight in size, consisting of light frames of sticks, tied together and covered with hides. The floor is covered with very soft carpets of otter skins, sewed together. Most of the Indian tribes are at war with one another when not engaged in plundering the Christians, and they carry the children they may capture, after slaying their parents, to sell as slaves to the Christians, at the price of eighteen to twenty dollars each. They also carry with them native manufactures, such as bridle-reins, lazos, balls, headstalls, tethers, horse-fetters, and woollen ponchos of their own weaving and dyeing, of beautiful colour and texture. In exchange for these, they get silver-mounted bridles, and saddles, sabres, knives, bridle-bits, silver and iron spurs, coloured porcelain beads, brandy, and tobacco.

In addition to the difficulty which the Christian troops experience in bringing these Indians, with whom they are continually at war, to action, there is a want of concert amongst the rulers of the five provinces above named, who have all sinister interests

* A missile of a peculiar construction; composed of three round stones, of about a pound weight each, bound up in a piece of hide, and attached together, at the distance of six feet, by strips of plaited hide. They are swung round the head till they acquire a centrifugal force, and then let fly at the legs of the animal chased, when they twist round, and stop its further progress.

to gratify. The Indians on their part, with a similar policy to that of the Algerines, contrive not to be at war with all the provinces at once, but to take each in turn, as suits their purpose. The inhabitants of Mendoça contrive mostly to be at peace with the Indians, being more exposed to annoyance than the inhabitants of the other provinces, on account of their numerous waggon-caravans which carry their produce to the sea-coast. But there is a *prestige* attaching to the Mendocino name in the Indian minds, on account of a formidable incursion which the Mendocians made many years back into the Indian territories, under the command of a skilful leader named Amigoreyna. Some of the Indians are almost constantly in Mendoça, or the fort of San Carlos to the south, for the purpose of trading, and the Mendoça merchants make trading expeditions amongst the tribes almost every year. The inhabitants of San Luis suffer considerably from the Indian inroads and the loss of their cattle, but they are generally a people deficient in intelligence and energy, and rarely make reprisals. The inhabitants of Cordova are much in the same position. The governor of that province keeps troops, to take the field occasionally against the Indians; but they generally contrive to let the marauders drive off a large portion of cattle, in order that they may get salvage on them, or a portion of them, and sometimes it is considered good policy to contrive that a political enemy shall sustain a heavy loss. The natives of Santa Fé are frequently very heavy sufferers; the governor, Don Estanislao Lopez, who is a gentleman of the strong arm and long sword, preferring much that one dollar should find the way to his pocket, rather than that one thousand should do the same by the pockets of his very obedient subjects. One anecdote of the doings of this worthy gentleman in the year 1825 will suffice. It was related to us by a grim-looking Gaucho who served under him.

The Indians had made an inroad in detachments of considerable numbers, sweeping the frontiers of both Cordova and Santa Fé. Lopez got information from his scouts, that several hundred Indians were encamped at a place called Melinque, near a large salt lake on the frontier. He rode in pursuit at the head of 500 of his Gauchos, and came upon the enemy early in the morning, while the Indians were dismounted and lying on the grass. His men wished to attack them immediately, but Lopez, to whom Indian warfare was an excitement like hunting, refused permission, in the same way that an English sportsman gives law to a fox, and refuses to shoot a partridge off the wing. 'No, my boys,' said the governor, 'let them mount their horses, it is too much trouble to chop at them on the grass.' They were accordingly permitted to mount, and in desperation they

couched their lances and came to the charge. At the first onset, they killed Lopez a hundred and fifty men, and the remainder, struck with a sudden panic, took to flight. Lopez in vain endeavoured to rally them, and was unwillingly obliged to follow their example. He was galloping off at full speed by the side of one of his troopers, when his horse pitched his fore feet into a viscacha hole, and rolled on the ground unable to move. The Indians gained on him, and the trooper was about to make off, when Lopez drew a pistol from his girdle, shot him dead, mounted his horse, and escaped.

Savage at his defeat, Lopez determined to be revenged, and hastily collecting together some two hundred and fifty men on whom he could rely, he penetrated into the Indian territory upwards of a hundred leagues to the southward, and falling in with a *tolderia*, a collection of Indian huts, he murdered the whole of the inhabitants, men, women, and children, to the number of two hundred, in cold blood; and, as the hide huts could not be burned, they were cut in pieces with knives. The warriors were absent from home at the time. After the massacre, the male Indians were flayed for the sake of their skins, in order to convert them into lazos and other horse-gear, and articles of ordinary use. This brutal practice is far from uncommon amongst the border Gauchos, who boast with great glee of such spoils of war, and say that Indian hide is tougher and of more even consistence than any other, besides being free from hair. The Indians, not finding the hides of the Christians tough enough for their purposes, revenge themselves while they are living. They always make the males prisoners if they can, and when out of danger of pursuit, they strip them naked, and set them to run on the grass, riding at them with lances, and inflicting as many flesh wounds as possible before they kill them outright, in order to protract their tortures. Women-prisoners they make slaves of, and lacerate the soles of their feet and the palms of their hands, to prevent them from making their escape on the journey homewards. In the massacring expedition before related, Lopez made prize of a very large number of horses and mules belonging to the Indians, which was considered a good booty. This occurrence is only one out of many of a similar kind in which he has been engaged. In fact, the man is a sort of Ali Pasha in his way, and maintains his power over his people by being as brave and as cold-blooded, and more cunning, than any other man in the province.

The frontiers of the province of Buenos Ayres are usually very rich in cattle, save when a period of drought occurs, when they perish by wholesale. The people of the province do not lack valour, yet somehow, perhaps from their superior civiliza-

tion, they entertain a greater dread of the Indians than the natives of the other provinces do. The Indians have mostly looked upon them as their 'natural enemies,' and plunder their cattle as though it were a matter of right. One question must naturally strike the reader,—Why do the Indians steal cattle which they do not themselves consume? The answer is very simple. They steal from one set of Christians, and sell to another. The Mendoca people will buy *bargains* of cattle from them, to sell in Chile, because there the brandmarks are not recognized. The northern Chilenos have no objection to a *bargain* of the same kind, when the Indians drive the cattle through the southern passes of the Andes. And at one period the merchants of Buenos Ayres had a thriving trade in the cattle stolen from their own friends who were graziers on the frontier. A small settlement or colony has for many years existed in one of the harbours on the coast of Patagonia, the inhabitants of which cultivated a little land, and traded with the Indians. Occasionally, they sent a few dried hides to Buenos Ayres, and at length some merchants set up salting establishments for the supply of the West Indian markets. Rumours soon began to spread, that some of the hides which came from Patagonia bore very frequently the brandmarks of the estancias of the frontier, which were plundered by the Indians. What was everybody's business was nobody's so far as the government was concerned, and the losers of the cattle were obliged to put up with their losses quietly. But the receivers of the stolen goods at last carried their speculations too far. The colonial trade throve so rapidly, that the inhabitants were at a loss for a circulating medium. In this dilemma they employed a printer in Buenos Ayres to print paper-money for them. This came to the knowledge of the government, and, taking offence at the presumption shown in infringing their prerogative of money-making, they ordered a brig-of-war to proceed to Patagonia to take possession of all the stolen hides which could be found with suspicious marks, and also of the paper-money, the printer of which was committed to prison. The captain of the brig had the misfortune to run aground at the mouth of the River Plate, and thus lost a week, for which it was said the interested parties paid him very handsomely, and in the mean time a messenger was despatched over-land to the colony. It is needless to add, that when the brig arrived, nothing suspicious was found.

From the time of the revolution which set her free from Spain, Buenos Ayres has been ruled by an almost infinity of governors. Puerredon, a skilful intriguer, was amongst the first, but he was obliged to fly when it was discovered that he wished

to make his native land a monarchy, under the yoke of a French prince. Then, like 'Banquo's issue,' his successors were rapid in their 'ins and outs;' sometimes there were three revolutions and three governors in the space of a week; the 'out' seeking refuge on board the British frigate, the 'in' taking possession of the moat-surrounded palace or fortress; a tumultuous collection of armed men in the streets being the signal for the occupant of office to retire. To ask who was governor *in esse* became a common jest, the reply being 'ready as a borrower's cap'—*Quien sabe?* Who knows? These were glorious times for those who called themselves 'British merchants;' low agents, mostly remarkable for nothing but cunning chicanery and boundless rapacity, who had originally gone out as clerks on a sort of desperate adventure, and throve well in a field of enterprise from which honesty and morality were banished. Though much money had been lost by mercantile speculations to La Plata, there were still to be found gulls willing to embark in them. The practice of the 'merchants' was to write to England to a speculator, stating that a certain kind of cargo must infallibly sell at fifty per cent. profit. Out came the cargo, and then the 'merchant' went to the head of the custom-house, or his chief agent for the time being, to know for how much per cent. on the duties he could have the goods landed. This was frequently accomplished for one quarter of the total amount; and to make the bargain sure, the custom-house stamps were commonly carried on board: thus the smuggler ran no risk whatever, and the custom-house people thought it a far better arrangement to put twenty-five per cent. into their own coffers, than one hundred per cent. into those of La Patria. So soon as landed, the goods were sold by auction, frequently at a positive loss. The account sales and residue of the proceeds were then forwarded to the shipper, charging him the whole duties, five per cent. commission on sale, five per cent. more for purchasing a return cargo, and five per cent. more for cheating, warehousing, landing, and all other customary etceteras. The 'Flemish account' was then forwarded, with a letter, stating how unfortunate it was, that just at the period of arrival there should happen to be a glut in the market, but that the shipper might certainly calculate upon making up his loss and realising a considerable profit, if he sent another cargo instantly to meet a rising market. A man gulled once was no bad prize, but if it could be done twice they needed no more of him. Such a charming trade of course could not last for a very long period. Governors became less mobile; one of them, on the occasion of the tumultuous assemblage of armed men, so fatal to his prede-

cessors, had a sudden thought strike him, like Abel Handy—'Perhaps they'll go away if I shoot at them.' He accordingly shut himself up in the fort with the troops, and played some grape shot on them. His fall was thus retarded some odd months, and thenceforward a constant increase of force was demanded to accomplish the deposition of succeeding governors. The custom-house duties began to find their way into the treasury of La Patria, things in general assumed a securer aspect, and the 'British merchants' began to invest their gains in house-building and land-purchasing; established some 'commercial rooms,' and talked 'very respectably' of getting a license from the government to build a 'Protestant church.' Bernadino Rivadavia, unquestionably the shrewdest public man in the country, then became governor, and was highly popular, for he affected popular manners, a style which had not been tried by former governors. One day—so goes the anecdote—Rivadavia and his wife were walking in the street without the military attendance common to their rank. A boy behind them was making a most intolerable noise with some wind-instrument, when Rivadavia accosting him, asked, 'Whether he should take another road, or the boy abstain from the noise?' This story spread far and wide, and did good service. The common people were accustomed to speak of him affectionately as *nuestro gualon*—our old fat-belly. Rivadavia did many useful things. He established a bank, caused the town to be improved and paved, better municipal regulations to be adopted, efficient public servants to be employed, a public loan to be negociated in England, and arrangements to be made for procuring intelligent foreigners as instructors in various public departments, for promoting the immigration of European agriculturists and artisans in large numbers, for introducing new breeds of cattle, and horses of a better quality, and for constructing an efficient mole for landing goods. He was, in short, a discerning and intelligent man, possessed of much energy and public spirit. Had he been an honest man, he would have been invaluable, but he was afflicted with the crying sin of his countrymen; he was a trickster and an intriguer, and he fell. He deservedly lost his hold on public opinion.

The person who contracted for the loan with England was a Mr. ** ****. He realised by it a large fortune, and lost his balance. From being a small huckstering dealer, for which work his capacity was fitted, he found himself suddenly in the possession of considerable wealth, which at first made him feel like a sailor newly landed with prize-money; and, as he was what the world calls a 'good fellow,' he gained the cognomen

of the 'little prince,' being, in fact, regarded as the greatest man in Buenos Ayres, in point of worldly consequence. He soon after visited England, and was much disappointed to find himself out of his sphere, and a person of no consequence whatever. This did not suit him; and being one of those active persons who could not live without 'doing,' no matter what the result might be, he embarked in all the schemes and companies which had for their object to arouse the dormant capabilities of La Plata: agricultural associations, and building associations, and gardening associations, and dairy farms, and water embankments, and cattle-breed-improving, and mine-working,—in short, all the ill-concocted schemes which were so rife in the years 1825-6. The results were what might have been anticipated by whoever was capable of thinking on the matter—ruin to the fools and plunder to the knaves. Mr. ** **** became a bankrupt, like the major part of the 'British merchants,' and sinking into his original insignificance, became once more the proprietor of a retail store, in which he still continues to vend wine and spirits, sugar, soap, candles, eatables of various kinds, and a heterogeneous assortment of other articles, to the people of Buenos Ayres. The builders, and other mechanics, whom he sent from England in pursuit of his plans, and whose first occupation was to have been that of building him a palace to surpass all other buildings in Buenos Ayres, were turned on their own hands, and have many of them risen to comparative opulence. The whole of this process of fortune-making and fortune-losing occupied a period not amounting to three years.

After Rivadavia ceased to be governor, many others occupied his place in turn, but without a single man of commanding talent amongst them. They have been mere soldiers, or ignorant landowners or cattle-breeders. The water-war with Brazil was a serious evil, not so much by checking commerce, as by fostering a spirit of piracy and wholesale immorality, to say nothing of the system of impressment which was put in force to man the navy, for some time. But, in return, it did something in the way of developing energy. More mischief was afterwards done in the civil war, which desolated the land and destroyed many cattle, and still worse, paralyzed the exertions of the foreign settlers who had begun to cultivate the land. But worst of all was the fact, that the war which convulsed the whole of the interior provinces, as well as Buenos Ayres, was not a war in which the interests of the people were concerned, but simply a question, whether the provinces which formed the ancient viceroyalty of La Plata should be united or separate. Each

province would have been willing to agree to the union, provided only, that each individual province or its capital might have been the seat of the central government. Failing this, none were willing. The officers of the regular army were mostly for a union, and for making Buenos Ayres the metropolis; and, if intrigue could have accomplished the matter, this plan would have succeeded. But opposed to it were ranged the wealthy landholders, and the rulers of the interior provinces, who had been accustomed to govern their native districts with a sort of feudal authority, more or less resembling that of Francia in Paraguay. Semi-barbarians they mostly were, and are; but still, he who succeeds in gaining and maintaining a kind of absolute rule over twenty or thirty thousand people must be a man of considerable energy and resource, both of body and mind. There are always many who are ready to struggle for such an office, and neither a fool nor a coward could keep down opposition.

The province of La Rioja, for example, is ruled over by a man named Facundo Quiroga, more absolutely than France was ruled by Napoleon—as absolutely as Ali Pasha ruled over the territories he won in the game of war. This man has a will; and more than that, he can mentally define what that will is, and if he finds any person opposed to his will, he sets all his energies at work to crush his enemy, both by force and finesse. He is not cruel by nature, but, on the contrary, a very agreeable person—when he has his own way; but he values man's blood as little as that of a sheep or an ox, when he makes up his mind that it is essential to his authority to commit a slaughter. The history of this man's life would fill a romance, but our space is not sufficient even to glance it over. In his own province the words of his mouth are the law of the land, and over the neighbouring provinces his influence is great. The governor of Catamarca always inquires what Quiroga's opinion may be, before he makes any public movement. The governor of Tucuman, a thorough-trained soldier, set his threats at defiance: Quiroga attacked him at the head of his Gauchos, and after a hard battle left him for dead on the field. The provinces of San Juan and Mendoça happened to be ruled by liberal-minded men. The priests of San Juan fomented a revolt, and turned out the governor, Carril. Mendoça sent armed men, and the priestly party were defeated and driven away. The liberals were favourable to a union, with Buenos Ayres for the capital. Upon this pretence Quiroga collected his Gauchos, attacked and plundered first San Juan, and then Mendoça; defeated the liberals, and restored the old mode of priestly rule, not from any liking for

priests, but because the liberal plan of union would have proved in the end subversive of his power. The beautiful province of Salta does not possess much influence; it is divided in itself. The chief city, Salta, rules paramount over a little city called Jujuy, containing some three thousand souls: this little city is a refuge for discontented people, and its inhabitants earnestly desire to separate themselves from Salta, and form an independent community. The province of Santiago del Estero, famous for its superior breed of cart-drivers, and sturdy Gauchos, who have a vocation to fighting, without knowing or caring for what,—this province is the especial property of El Señor Don Felipe de Ybarra. His *métier* is similar to that of the small German potentates in the last century. He converts his surplus population into soldiers, and lets them out on hire to any one in the revolution line, who may speculate on becoming a governor. This potentate's trade would be ruined by any system of union with a central government. The city of Cordova, capital of the province of that name, is to Buenos Ayres what Oxford and Cambridge are to London. It possesses a university, where much antiquated learning is taught; or rather was taught, for foreign teachers have now introduced more modern studies into Buenos Ayres. Cordova, more than any other part of La Plata, still feels the influence of the Jesuits, in the various woollen fabrics which are carried on, and for the support of which large flocks of sheep are maintained. Of late years the foreign imports have caused this trade to fall off. The governor of this province for many years was a man named Bustos, a military adventurer, who maintained his authority by means of a sufficient body of soldiery. He is since dead, and some other person of the same cast has supplied his place. The authority maintained is of a superior kind to that of Quiroga, as the inhabitants of the city are an intelligent race, who would not submit to coarse violence, though somewhat priest-ridden. Like other cathedral towns, Cordova is very fruitful in most vices which are pleasant to the senses. The province of which it is the chief town is wealthy, and the mountains contain mines of the precious metals. The governor of Santa Fé, Estanislao Lopez, has been already described. His mode of rule is precisely the same as that of Facundo Quiroga, though he is a man of less mental calibre. There will not for many years be a chance of general union; and the present despotic mode of rule may be considered permanent, at least so long as the present leaders shall exist. Buenos Ayres is not placed in the same predicament; the general intelligence of the citizens, contracted in

great part by their intermixture with foreigners, forbids the chance of despotic control on the part of any single individual. The worst feature of the last civil war has been the introduction of the wild Indian tribes into the ranks of the Christians, who were besieging the city. But even this may produce good, for it tends to accelerate the subjugation of the whole race of the southern Red Men, without which there can be no peace with them. The changes of governors in Buenos Ayres have latterly been frequent, and within these few months the office has literally gone begging without finding an occupant. This marks that there is no longer any hope for successful roguery in the office, and, moreover, to take it by force has latterly required as many thousand men as formerly it required hundreds.

Amidst all this apparent confusion, the progress towards better things is fast going on. All the struggles of the petty tyrants are but preludes to the ultimate mastery of a powerful democracy throughout the whole land, which an increasing commerce will push on with compound force. The internal custom-houses will be swept away when men begin to see their interest more clearly; and the external ones on the margin of the water-ways will be somewhat difficult of maintenance when produce shall become more plentiful. Vessels of two hundred tons burthen can sail from the shores of Europe to the very doors of the city of Paraguay, which is twelve hundred miles from Buenos Ayres, and the whole track of the river through lands fitted for human habitation, yet but a small portion inhabited. The capabilities of La Plata are but on the eve of their development; and the commerce which England may yet carry on with it will be enormous, when the human impediments to human civilization shall be removed.

Notwithstanding all that has been said of Buenos Ayres, neither the city nor the province are rich in themselves. Buenos Ayres has risen to factitious importance by being the mouth of many rich provinces, deriving tolls both from their imports and exports. The province of Buenos Ayres itself produces nothing but cattle, corn, grass, peaches, and thistles, unless we take into the account the muddy fish caught in the river.* As an article of export, cattle alone can be reckoned. With peace and favourable weather, the cattle multiply prodigiously. Peace is a requisite which may be counted on at a future time; but what security can be looked for against the

* Owing to the scarcity of fuel, bones, fat, cow-dung, and horse-dung, are considered most valuable articles. The kilns for burning bricks are commonly heated with bullocks' heads, which sell for that purpose at the rate of two dollars per hundred, after the tongue only has been extracted.

droughts which occur so frequently, and render the Pampas mere parching deserts? There is no certain supply of water in the Pampas;—there are no mountain-reservoirs to hoard up surplus rain—no deep ravines, in which the winter's deposit of snow can gradually melt throughout the summer, and supply irrigable lands. When the south-west winds, called the Pampero gales, prevail, they are accompanied, at intervals of six weeks, in favourable years, by furious storms of thunder and lightning, and torrents of rain, which seem as though they would inundate the whole land. The steeple of San Nicolas Church, situated in the highest part of Buenos Ayres, was one year stricken and damaged by the lightning three times in four months. The rain which falls on the broad alluvial surface forms, in the lower levels, shallow lakes of great extent, communicating with the water-courses called *arroyos*, which are sluggish, muddy, natural ditches, scooped in the alluvial soil—in some parts, to the level of the clayey limestone-bed called *tosca*, which appears to form the substratum throughout the whole extent of the Pampas. These *arroyos* during the rains are full sometimes to the brink, but very soon subside again, and in dry weather leave their courses bare of water in many parts, while other parts present a series of muddy holes, beneath lofty perpendicular banks. The principal of these *arroyos* is called the Saladillo, or salt-stream, from the water being absolutely undrinkable. It is a remarkable thing, that the whole of the water found in the Pampas is brackish; and in hot weather it is most annoying, for drinking it only serves to increase the thirst of the traveller; but it is not unhealthy, and most probably is the contrary in its effects on the Gauchos, who pass entire months without any other nourishment than beef newly killed, without any salt to it, which, like bread, is considered a luxury on the Pampas. When rain has failed for a long period together, many spots become uninhabitable, and the settlers are obliged to remove; the lakes gradually dry up, and a growth of rushes overspreads their bottoms, serving as lairs for the pumas, who lie in wait for the cattle, that, perishing of thirst, with mournful lowing seek the remnants of green stagnant water which lies on the marly surface, thick as refuse oil, and swarming with myriads of musquitoes. Yet it has ere now been to the writer a sensation of extreme pleasure to dismount from a jaded horse, with his rude companions, and, taking the handkerchiefs which shaded our heads from the scorching sun, to spread them on the surface of such a gilded puddle, scarce an inch in depth, and thus suck away the moisture, while the whizzing insects buzzed around, as if in anger at our thus drying up their

fishing-waters. As the water becomes gradually more scanty, the rushes wither—the dry pasture catches fire from the mouldering horse-dung, left burning by some chance traveller: the flame sweeps along, and, fading as fast as it advances, resembles a fiery knife-edge mowing the wide plains. As it passes by, the rushy oases are kindled, and fierce flashes mount upwards, with each breath of air, like the blasts of a volcano. The wild animals rush forth before the destroyer, and seek for a bare spot or the intersecting line of a stream, which may afford them shelter. But it is a fearful race for life or death, for the flying flame over the parched level mocks the speed of the swiftest horses of the plains. On some occasions a caravan of the straw-thatched waggons of the interior provinces is overtaken, and waggons, oxen and drivers perish together. We once beheld four drivers still living, who had thus been roasted alive. They had been laid in a shed with their burnt garments shrivelled into cinders on their skinless bodies, to live or to die according as the vital energy might conquer or succumb, for there was no help of medical skill to avail them.

If rain happens to fall soon after one of these conflagrations,* the verdure again springs up in exquisite beauty, manured by the ashes; but two succeeding years of drought serve to render vast districts a perfect desert. The cattle have perished and the inhabitants have fled away. When rain returns, the people also return, but it must be to begin the world anew. A fresh stock of horses and cattle must be carried with them. Against these fearful droughts there is no security, and it is evident that people living in such a state can be only partially civilized. Nor are we aware of any artificial means which can be adopted to remedy this want of water. The wells can only be supplied by land-springs, which must dry up when the lakes disappear; unless, indeed, any experiments should prove ultimately successful, of boring through the *tosca* rock and piercing to the 'living fountains.' All the *arroyos* beforementioned, which are of sufficient importance to need more than the sun's heat to drain them, discharge themselves into the great river Parana, and thence into the Plate. Along the banks of the Parana are situated several small villages, wherever the localities happen to be advantageous; as, though the pasture may fail, the water will not. Some of the 'English merchants'

* In the year 1832, the country in the neighbourhood of Buenos Ayres was so parched, that when the wind arose, clouds of dust obscured the noonday sun, and flocks of sheep were smothered in some parts, just as caravans are occasionally lost in the moving sands of the Arabian desert. When, after a long drought, rain fell, the first half hour the drops came down in the form of liquid mud, actually discolouring the white houses of the city.

who have become possessors of *estancias* or cattle-farms in the province of Buenos Ayres, have gone to considerable expense in making embankments to retain the water in the low grounds; but this, even when successful, is not enough; for cattle require pasture as well as water, and such a country can yield no artificial means of making pasture grow without rain. On the banks of the main rivers, European skill may eventually do something for irrigation, by using windmills to pump the water upon the high banks, but this can only be to a very limited extent.

The limited capabilities of this province are, however, of very little importance. In its origin, Buenos Ayres was considered rather as a cattle-farm to Monte Video, than in any other light, and so long as rain is not lacking, nothing can be better than the unwooded saline pastures of the Pampas for such a purpose. It was the overland trade with the interior which made Buenos Ayres of importance, and caused wealthy establishments to rise in the stronghold of the mosquitoes. The *quintas* or gardens, and orchards, in the outskirts of Buenos Ayres, are very beautiful. They are planted with olives, and other trees, as oranges, lemons, vines, peaches, and plums; and they are each provided with a draw-well of considerable depth, some of which wells possess *norias* or bucket-wheels, moved by oxen or mules, in order to rescue the plants from the influence of the droughts. In these quintas the mosquitoes, and the small red insect called the chigua, are perfect nuisances.

Owing to various causes—the colonization plans being the chief—the foreigners in Buenos Ayres and its neighbourhood now amount to about twelve thousand, and their number is constantly increasing. About one-third of these are English, one-third French, and the remainder Germans, Swiss, and Italians. A large proportion of them are people of agricultural pursuits, and the uncertainty arising from droughts will ultimately cause them to settle further to the south along the coast of Patagonia, which is well adapted to wheat cultivation, or betake themselves to the Banda Oriental, or eastern shore of the River Plate, where Monte Video is situated. It seems as though the first rushing of the waters had formed a natural boundary between these districts, to mark their differing qualities more strongly. The province of Buenos Ayres is merely a cattle-pasture. The Banda Oriental, on the contrary, is a most glorious residence for human beings, an abiding not a sojourning place. The difference of the geological formation is the solution of the whole matter. The Buenos Ayres territory is a salt loam, bedded on a deep stratum of clayey lime,

over a nearly dead level. The Banda Oriental, on the contrary, is a country of a most cheerful aspect; possessing hills and valleys, wooded ravines, and grassy slopes, granite and limestone rocks, and clear streams of water like crystal, running over pebbly and sandy beds, with that delicious murmur which the Gaucho of the Pampas never hears. And last, not least, it is free from mosquitoes, probably owing to the absence of swamps, and to the fact that the prevalent winds (from the south) blow over a broad surface of water ere they reach this favoured land. The shores moreover abound in small harbours for trading vessels: and the great water-way, which communicates with the heart of Paraguay in one direction, and almost with Upper Peru in another, must infallibly become thickly studded with towns and villages in all the eligible spots throughout its course. Monte Video, or some neighbouring spot, will ultimately become, to the interior, what Buenos Ayres has formerly been, and what Buenos Ayres never would have been had Spaniards, like Englishmen, been more sailors than soldiers. That such noble water-ways should so long have remained unused, and a miserable mode of land-carriage have been preferred to them, is indeed surprising, after making all allowance for the tedium of inland navigation without steam-power. The natural advantages of the Banda Oriental are now becoming daily more appreciated, and the current of emigration is setting towards it. New settlements are constantly springing up, and foreigners, more especially Englishmen, are becoming small landed proprietors, and establishing manufactories for the conversion of timber into various articles of general consumption which are too bulky for import.

As is the case in all the other provinces, the 'families' do what mischief they can in the revolution-mongering line. The latest squabbles for rule have been between Lavalleja and Frutoso Ribera. Lavalleja was the man who first raised the standard of revolt against the usurpation of the Brazilians, which resulted in the eventual emancipation of the Monte-Videans, by Buenos Ayres going to war with the Brazilians, and England becoming guarantee of a five years truce; after the expiration of which the inhabitants of the province are to elect whether they will belong to Brazil or to the federation of La Plata. In the meantime, an elected body of legislators restrains the arbitrary will of the governor: and the qualification for suffrage has one most important effect. No one is permitted to vote who cannot read and write. This throws the suffrage very extensively into the hands of the foreigners, and shuts out the more ignorant of the natives; and just thus it should be, for whenever the power of a nation resides in the hands of the least intellectual, that nation

is infallibly condemned to political strife. The foreigners are the most orderly and commercially-enterprising people in the province; and their numbers are becoming too formidable for the natives to venture on playing unjust tricks with them, as is so commonly the case when isolated individuals set themselves down to acquire wealth amongst a multitude more barbarous and less skilful than themselves, and where not positive law but uncertain passions are paramount.

Were we asked to characterize the South Americans generally by one single quality, more prominent than any other in all their varied climates and situations, we should call them 'a nation of gamblers.' The Gaucho of the Pampas, who possesses no earthly property save his riding gear, will gamble that away, and the greater part of his rags of clothing, till he be in the deepest depths of Pampas poverty—to use their own expression, 'so poor that he has not even spurs.' The landholder will sell his cattle from his land, and gamble away all the dollars they produce; the small shopkeeper will gain money hardly by his trade, and lose it easily by a pack of cards. When the bodily wants of a human being are supplied, and he has no fear of wanting food or warmth, if he possess any mental energy, that energy must be set to work on some species of excitement, or it will prey upon him and make him vicious. The state of manners and customs which Spain gave to her American colonies left no legitimate or useful employment for energy. The subtle spirit of the Moorish blood could not lie dormant, and it chose to be vicious rather than to do nothing. We once heard a Chileno peasant discussing the qualities of his patron. 'Señor,' he said, 'my patron has no vices; he does not smoke, he does not drink, he does not gamble, and he does not intrigue.' These four occupations have bounded the circle in which South American energy has been at liberty to act. Drinking not being very prevalent, the other three have been the more pursued. Every South American smokes, if he can procure tobacco; intrigue is the main business of life, and gambling is the excitement. It is the same thing with many of the European aristocracies. They are placed beyond the fear of want, and in times of peace they intrigue in the season of youth and gamble in the period of age. In times of war they can procure other excitements; and thus it has been in South America since the period of the revolution. People would rather fight than be idle. Who are greater gamblers than the mass of soldiers and sailors during the intervals of service?

But when the capabilities of South America shall be fully developed, and brought into exercise, the excitements of com-

merce and manufactures, and the breaking forth of thinking and reasoning minds, will furnish newer and better courses of action, and the stigma of gambling will be removed. We happened to be present in some of the mining districts during the bubbles of 1825, and marked the transition from the petty gambling of cards to the commercial scheming and trickery of mine-jobbing; and we much doubt if the annals of the London Stock Exchange could have furnished a sample of greater keenness, energy, and dexterity. Meanwhile, mental power, in whatever way exerted, is in itself a treasure. An engine may work much mischief by the power of its steam, if the gearing be out of order, but that is the fault of guidance only. If the engine be incapable of power, it is true it can do no mischief, but neither can it do good. And thus, too, energy in a people is a power, and a good, though it may, for a while, be turned to bad purposes occasionally. Having energy, we have the means of progressing; having it not, we are helpless, and must remain stationary, or revolve for ever in the same vicious circle. J. R.

Art. VII.

TITHES, AND THEIR COMMUTATION.

THE commutation of tithes in one fashion or other being at hand, it will be desirable to review briefly the principles which ought to influence our judgment on the matter. But the short space which our limits permit us, on this occasion, to devote to the subject, prevents us from including in the present article any exposition or illustration of those elementary principles, on the price of corn and the cultivation of land, which ought to be familiar to every person competent to form an opinion on the question. We must take for granted what is now admitted by all economists—that the price of corn depends upon the cost of producing it under the *most unfavourable circumstances* in which the present demand of the community requires it to be produced; and that the corn produced under those most unfavourable circumstances pays no rent.

These things being granted, the *law* of the operation of tithes is, we conceive, correctly laid down in the writings of Ricardo. The circumstance which distinguishes the payment of a tax on produce from the payment of rent, and altogether dissevers their effects, is this:—Under the burden or obligation of rent, the capitalist-farmer still remains *a free and unchecked capitalist in respect of all soil not yet cultivated, and of all the unevoked faculties of the cultivated soil;* but under a tax on produce he

is *not* in this unfettered condition; he is brought into the position of a capitalist, who, before he can realize the usual profits in new enterprises, must in some way *shift the tax* falling on his commodity *upon the consumer*, or, in other words, *he must refrain from producing, until*, in virtue of an increased and more urgent demand, *the price of the article rise by the whole amount of the impost*. For instance, no farmer feels himself hindered, by the obligation to pay rent, from breaking up as much new soil as he pleases, or cultivating his already arable territory as much more completely as he pleases. All he asks or thinks of is, whether these enterprises would pay his expenses with the ordinary rate of profit, at our existing prices—40*s*. per quarter. But, if instead of rent, or, in addition to rent, he were burdened with a tax on produce—*tithe*, for example—it is manifest he could not cultivate, even if the existing price would pay. In consequence of that tithe, 4*s*. per quarter of the price would be taken away from him; and if it required the whole 40*s*. to constitute a due or ordinarily profitable return, the smallest degree of forethought would induce him to delay operations, and to refrain from further culture, until, in obedience to the increasing demand of society, prices should ascend and reach 44*s*. 5½*d*.

It is needless to enter farther into the theory of this matter, for the principle now brought out, involves the requisite consequences. The chief of them are as follows:—*First;* By the operation of tithe, the whole unbroken soil of a country, and the yet latent or unused powers of the soil already cultivated, are rendered of no more value, in respect of the *consumer*, than if they had been by one-tenth naturally more barren than they are; for in no case can they, or will they, be cultivated, until the exigencies of the consumer induce him to offer a price higher by one-tenth, than that which, under a free state of things, would have rendered their tillage profitable. *Secondly;* In a country depending on its own agriculture, this obstacle would be encountered at every step of advance, whether that step consisted in the actual breaking up of pasture, or in the application of an increased amount of capital, or of an improved mode of cultivation. So that, permanently, the price of corn will be one-tenth higher in that country because of tithe, than the price at which *the same amount of population* might have been supplied with food, had there been no tax on produce: and this is what Ricardo means when he states that tithe is paid by the consumer. *Thirdly;* The amount of rents, in *corresponding social epochs*, or under the same population, will manifestly be the same, whether the country is tithed or not. Rent is the whole

gross produce of the ground, over and above due and usual returns to the capitalist-cultivator; and, since tithe, by proportionably augmenting price, adds one-tenth to the gross return from the soil, it is clear that if this tenth is paid to a third party, the proprietor of the soil will receive the same sum in the name of rent, whether produce be taxed or free.*

Mr. Ricardo has had the misfortune to be more misunderstood, and more seriously misrepresented, than any other modern political economist. Instead of his acute and profound speculations being received as the exposition of certain laws when acting uncontrolled, or in entire purity,—their results have sometimes been applied, without modification, to existing circumstances, where the laws in question act, indeed, but in union *with opposing or modifying laws*; and far oftener has he been severely criticized, and his authority summarily rejected, because his views, when thus thoughtlessly and unjustifiably applied, were found inconsistent with facts. Errors of the former kind have long ago disappeared under the sharp correction administered to them, but we have still to deal with the latter kind of misapprehensions. It is certainly a strange and novel proceeding in philosophical criticism, to refuse honour to the inquirer who traces the working of laws when pure and uncontrolled, merely because they are not found single or unmodified in the actual world—a proceeding somewhat discordant with the received canons in the sciences of experiment; where it is our main and most elevated aim, to determine the value of an unknown or undefined power, by isolating it successively from each of the powers with which, in nature, it exists and operates in combination. Were the result of such analysis only an abstraction, it were still a most interesting abstraction; but a degree of practical command flows from it, in reference to ex-

* The law just laid down, as well as all these consequences, equally hold in a country where (as in England) the land is not *all* tithed,—a case which has caused difficulty to economists. Supposing only half the land subject to tithe, it is evident that the culture of the untithed half will be considerably in advance of that of the tithed half. Untithed land will be cultivated which is more barren by one-tenth, than the worst quality of tithed land. Had there been no tithe, there would have been no inequality of cultivation: to obtain the same supply, culture would on all lands have stopped at some point *intermediate* between the two present limits, (the limit on the tithed, and that on the untithed land). Cultivation might then have stopped at land more fertile by one-twentieth than the extreme soil now broken up in untithed farms; and prices would thus have been lower by one-twentieth. The general body of consumers thus still pay all that is paid as tithe; but they of course pay only half a real tithe, because only half a real tithe is exacted. In regard to rent the conclusion also holds. The total rental of the country is unaffected; but the distribution of rent *is* affected. The proprietor of the untithed soil receives *more* than he would do in a free condition, and the proprietor of the tithed soil *less*. Abolition of tithe would not augment the total rental, but it would in such a case adjust and equalize the distribution.

tensive orders of phenomena, with which no scientific inquirer is unacquainted. It must never be forgotten, that when laws or great principles act in combination, none of them are annihilated: they do not *destroy*, but intermingle and *modify* each other. A planet's projectile force operates in direct counteraction of the power of the sun's attraction, but is a knowledge of the latter unnecessary, and useless towards the determination of the orbit? The impulse of the powder tends to separate the bullet from the earth; but it is the conjoint action and controlling power of the law of falling bodies, which gives it its parabolic path. Ricardo was indeed a *theorist*,—precisely as Newton or Galileo was a theorist. In the complex practice and actual workings of National Economy, distinct general laws operate as authoritatively, although in union, as distinct dynamical principles in the phenomena of motion; nor can the effect of those laws, when acting in conjunction, be otherwise ascertained than by an accurate acquaintance with each when operating singly and separately.*

A right appreciation and correct application of the law sketched above, will enable us to determine easily the effects of the commutation of tithes in any actual case. By commutation is of course meant, the entire removal of the aforesaid checks and fetters from the capitalist-cultivator. Commutation must deprive tithe of *all power to impede or restrain the farmer in new enterprises*, or it is not worthy of the name. But if it so shifts or modifies tithe, that the impost shall henceforth no more hinder the cultivator in this way than rent does, the commutation will be effectual.† And in all situations and combinations of circum-

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* Ricardo has had many ineffectual critics—none more ineffectual or less discriminating than the Rev. Mr. Jones. It is one great object of the truculent criticism of that gentleman's ingenious volume on rent, to demonstrate Ricardo mistaken in all he has written in regard to the influence of improvements in agriculture upon price. The cases supposed by the critic are those in which the improvement takes place so slowly, that the result is modified by the conjunct action of the law of advancing population. Of course the objections have no point; but even in the result of this joint action, Mr. Jones might have seen the influence and operation of the principles he rejects—*they show how an increased supply has become possible, without an advance of price.* It is painful to be obliged to add, that by the infusion into abstract speculation, of a degree of feeling amounting almost to vindictiveness, political economy does not seem to be benefited. Is it necessary that when an inquirer goes out of the common road, the Church should always be the first to send the blood-hounds after him?

† In any proposed scheme of commutation, let it be especially noticed whether this release be completely effected. It is in fact the main point, in so far as our agriculture is concerned. The conversion of tithe into a tax on rent would evidently be quite effectual to this end: but it is by no means necessary that it be made a *fixed* or *invariable* sum, for it might rise and fall with rent, and yet, in the aspect in which it is now considered, be altogether innocuous. Commutation, by making tithe a *fixed proportion* of rent, varying periodically in *amount*, is quite admissible; and it is the more necessary to state this, as Lord Althorp, in introducing his English measure of

stances, the occurrence of so signal an improvement will be followed by one important result. The gradations of soil, and of productive powers in the same soil, being gradual, the country in which commutation takes place, will, in consequence, have placed at its disposal, and rendered profitable, a large expanse of formerly shut-up or unprofitable pasture land, as well as the further powers of much inexhausted soil; or, in other words, it will have obtained the command of a great increase of produce without the necessity of an increase of price. Thus much follows immediately and irresistibly from the foregoing views; but if we would inquire farther, and open the important question as to the effect of this release of resources upon existing price, we must take observation of the individual country, and minutely discriminate its position.

If the country in question has neither dependence on, nor connexion with, foreign agriculture, this accessibility of new produce cannot, under the circumstances, fail to reduce price; and almost, if not wholly, by the amount of the tithe. The competition of farmers will necessitate this result. Nothing short of an universal *combination*, or, in modern phrase, a great Trades' Union, could hinder any farmer from taking advantage of the resources laid open to him; and such a combination is impossible. Were it otherwise, there is no hinderance *now* in the way of a union of British agriculturists with the aim of bringing wheat back to the 'pivot-price' of 60*s.* per quarter; but the idea is felt to be so chimerical, that no sane man would dream of entertaining it. In the event of commutation in such a country, the supply would be certainly and impetuously augmented; and price would be brought down through a glut. The extent and limit of the fall is obvious. Supposing the demand fully answered by the supply previous to this increase of resources, the declension of price would not stop until the supply were again restrained within former bounds; an event which would not supervene until the price had fallen one-tenth; for at nine-tenths of the former price the worst land previously cultivated would pay as well as before, and at any superior price other or new land would pay, and the supply therefore continue in excess. It is not improbable, that, during these operations, the demand of society would slightly increase, and constitute a necessity for a larger supply, in which case price would not fall

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last year, appeared to contemplate a continued obstacle to the advance of practical agriculture, in the fact that the *fixed proportion* left room for variation in the *amount*. In no manner could the apprehended evil follow from the intended provisions; unless in cases where the landlord is also virtual capitalist, and where, therefore, under the name of rent, profits, as well as rent properly so called, are included.

by the entire tenth; but the difference does not invalidate our conclusions. The slight advance of permanent cultivation is, with all its consequences, independent of commutation of tithes. It would have accrued without the commutation; and its occurrence does not prove that, in a country circumstanced like the one referred to, the total abolition of tithe would act in any other way than as the *removal of a tax which bore only upon the consumer*.

But countries are seldom unconnected in respect of agriculture; and certainly Great Britain, in this respect, is *not* isolated. The influence of an increase of our available resources, upon existing price, is therefore not so clear; and must be sought for in more intricate combinations.

The price of corn in our markets is what algebraists call a *function* of two *variables*—the result or prospects of foreign harvests, and the result or prospects of British harvests. It were interesting to investigate and explain the prices of recent years on this principle—inquiring into the state and operations of the speculative foreign trade, and the productiveness of British agriculture, and awarding to each its due share of influence. Sometimes the one element would be found to have prevailed, and at other times the other element; but this fact would come out clearly and indubitably—the issue of our home harvest has of late years been the *preponderating* and almost wholly the *determining* circumstance. The change we are on the eve of, is one, be it remembered, which must increase the spring of our own agriculture, and therefore bestow additional power on an influence already in the ascendant. Commutation, then, cannot fail to impress a farther movement upon the recent direction of prices:* and they will at least fall, sufficiently to remove the existing good fortune of the consumer from all risk of being interfered with by bad seasons. The tendency farther downwards, without doubt, will give duration to the fall which has already taken place.

It is thus clear that two distinct considerations mark out the policy of Great Britain in reference to this impost. In the first place, the release of our agricultural resources would *not* reduce price by the entire amount of tithe; so that a measure of abolition would not operate exclusively as the *repeal of a tax on the consumer*. And this happens, not because of

* It is evident that, after the abolition of tithe, an increased production would be possible under a lower price. The lowest tithed land now cultivated could still be cultivated although the price declined an entire tenth; and if it did not decline an entire tenth, as it probably would by no means do, soils now unbroken might be taken in.

error in the law laid down by Ricardo, nor altogether on account of its inapplicability, but because it does not act in our case *purely* and *singly*,—it exists in union with our partial dependence on foreign supplies, and operates conjointly with the action of that dependence. To the influence of this latter cause it is owing that prices will not decline so far; they may, in fact, have little more than a *tendency* downwards, and the change may have the mere effect of *fixing* them for a series of years at their present rate,—a rate in the mean time, tottering and unstable, on account of its close connexion with very fine seasons. The present surplus revenues of land, then, would not be perceptibly, if at all, reduced, in consequence of the effectual release of our agriculture; and therefore that part of the surplus which passes under the name of tithe, would exist still, and be available to the nation. Abolition of tithes would, in such circumstances, augment rent precisely by the amount of the tithe; and a good measure of commutation will therefore *impose an equivalent tax on rent*. After observing whether the commuting measure effectually releases the farming-capitalist from all obstacle in the way of the extension of his enterprises, *this* ought to be regarded as the *second essential*. Resignation of any part of the tithe would, in our circumstances, simply augment the rent-rolls of the proprietary, and suffer the absorption by individuals of a portion of the national funds.* And even if it could be shown that the abolition of tithe would materially bring down price, the discussion of the propriety of 'compensating' the landlord might safely be referred to the period of the final settlement of the question concerning that 'protection,' which he has placed and carefully preserved between himself and all *possible* public grievances.

But, *secondly*, the influence actually exerted by 'the law of tithes,' even in its modified or obstructed state, must not be overlooked or unmet. If it be neglected, we shall legislate for only half the case, and account will not be taken of an opportunity to reduce into a manageable form that question, which, more than any other, divides and disorganizes British society. Although commutation of tithes will not be accompanied by a serious, or perhaps even a perceptible reduction of price, it will

* The necessity for a deduction of 40 per cent. on commutation in Ireland, as proposed last year, was by no means made out. No consideration arising from the *present application* of these funds ought to be allowed to influence the judgment in discussing this question. The inquiry should be, will the landlords get the 40 per cent. or will they not. If they will, it ought to be exacted from them; and if they will not, let it be distinctly explained why. Scarcely any sacrifice for the pacification of Ireland could be accounted too much; but the sacrifice should not be in the shape of a *bonus* to her *landlords*.

assuredly cause the permanence of low prices—*the stability of our present irresolute and almost fortuitous state of prices, for a period of years.* Now this immediately points to a modification, or rather an adaptation, of the Corn Laws. To establish the propriety of such a measure, it is not necessary to raise the question of free-trade at all. The principle involved in free-trade—held by its advocates as the indefeasible right of the subjects of any free commonwealth, because the immediate consequence of just and equal laws—will of course never be given up until realized and acted on by all nations; but in the case now referred to, that principle is not involved—it is in abeyance. The change in view may be demanded, strictly on what are termed 'practical' grounds. If the average price is in reality 40*s.*, what more ridiculous than an act assuming it at 60*s.*? If the act signifies nothing beyond *protection* to agriculture, how absurd that its provisions take no account of the actual state of agriculture. As 'protection,' nothing more can be asked than a law *securing the existing average price against foreign influence;* and the provisions of the existing corn-law must be modified, so that a future rise above 40*s.* be prevented by the admission of foreign supplies. Observe the vantage-ground on which the advocates of such a change will stand. That disastrous throwing out of cultivation—that destitution of labourers—those embarrassments of farmers—on which the Barings can be so eloquent; that profitless sale of farm utensils pourtrayed with so great pathos by the Sadlers; all these and every other of the fearful consequences of the curse of cheap food, will have taken place of themselves, and in virtue of natural causes. An adjustment of actual interests will have *preceded* the demand for a change of the legislation affecting them. The *innovation* is altered into an *adaptation;* and the propriety of granting it follows from the impropriety of *disturbing* those interests. And if the corn-law be not modified, what will be the consequence?—*The banishment of stability from agriculture, and a new period of vacillation.* Let the selfish and blind individuals who could venture to hazard such an experiment be saved from the effects of their folly! Price unquestionably *would* rise: under an unchanged corn-law and an increasing population, food could not remain at the present prices for many years, notwithstanding our new resources: but is the dream indulged that the elevation would be permanent? Is it fancied, that in the existing state of the commerce of the world this country *could*, although she were willing, endure a renewal of high prices? The fancy is most vain, and the consolation of

none but vain minds. Vigorous efforts on the part of the intelligent will discomfit all such opposition, and easily secure a great and permanent benefit for their country; and the accomplishment of this ought to be regarded as a *third essential* to good policy at the present time.

In the foregoing sketch no direct notice has been taken of any of the numerous objections brought against the opinion entertained on this subject by our best economists. They are almost all resolvable into a fallacy which might reject the law of rectilineal motion, because pure rectilineal motion is scarcely ever observable; and they have been answered by implication. But a criticism has been brought forward by Mr. Senior and Archbishop Whately, which points to a new truth of great importance, and is therefore to be distinguished from all others. The following is the Archbishop's statement of it:—'I believe that when tithes have long existed, they have no influence on the price of corn; their effect, in this respect, appears to me no greater than would follow if we suppose the country in which they exist to have been originally somewhat smaller than it is, or to have had lakes covering certain districts which are actually fertile valleys. If England, again, had been larger than it is—if, for instance, the Goodwin sands were, and always had been corn-fields, no one will maintain that corn would have been cheaper. We should have had rather more corn absolutely, and a rather larger population, and rather a larger aggregate amount of rent; but the price of corn and the rate of rent had been just what they are . . . . I apprehend that the opinion that tithes fall on the consumer is founded on a confusion of the immediate effects of the sudden imposition or sudden removal of tithes, with the ultimate and permanent effects of tithes after they have long existed.' The archbishop's doctrine is to this effect, that although in *any given social epoch—i. e.*, with a given amount of population—tithe keeps the price of food a tenth higher than it otherwise would be, and therein operates precisely as a blight to an equal extent, or a curse of barrenness pronounced upon the land; yet had tithe not existed, the country would *at the present time* have been in a *more advanced* social epoch, and by virtue of an increased amount of population, have come to press as closely as at present on its resources. Now this does not affect the truth of the Ricardo doctrines in any way; for these refer not to *chronological* but *social* epochs; and the archbishop, as well as Mr. Senior, frankly acknowledge, that by the abolition or commutation of tithes, the *existing population* might at any time

be relieved. But the opinion involves, nevertheless, a truth of paramount moment. If, as is most certain, pressure upon the productive classes—the *pioneers* of society—necessarily retards the march of society; what must result, more or less, from all schemes of taxation which press on these pioneers, and therefore restrain society's advance? The revenue termed rent, is unlike all other revenues, and subject to very peculiar laws. It is not occasioned nor increased by the efforts of the individuals who possess and enjoy it:—it is *thrown up*, as it were, by causes independent of them; *it increases involuntarily as society proceeds.* Taxation upon profits and wages, then, not only presses upon the owners of profit and wages, but impedes the growth of rent also: and if the burthen had not been laid upon profits and wages, an amount of rent might have arisen in a brief time, sufficient to pay it all. This truth is as unquestionable as it is momentous; and when duly surveyed, defined, and adapted to circumstances, it ought to be received as the central and directing truth of every system of philosophical finance.

J. P. N.

Art. VIII.

Musical Reminiscences; containing an Account of the Italian Opera in England from 1773. *4th edit. Continued to the present time, and including the Festival in Westminster Abbey. By the Earl of Mount Edgcumbe. London: Andrews;* 1834. p. 294.

THE first edition of this work was published seven or eight years ago; but being brought down to the present time, we may regard it as a new publication.

The Italian Opera is an affair that wants reforming; but after the signal failure of a professing reformer, three seasons ago, no one will again make the profession for fifty years to come with the slightest chance of obtaining belief that the promise will be fulfilled.

Lord Mount Edgcumbe's Reminiscences extend over a period of sixty years—a term nearly equivalent to one-half of the entire existence of the Italian Opera in England; and in the conclusion of them he thinks that, in every point of view—music, poetry, singers, audience—the Italian theatre in England has changed for the worse. 'First impressions,' he says, 'are the most lasting.' This is true; and they are also the most agreeable. There is no one object to which we have

attached sufficient interest to make it an uniform pursuit, of which we may not say with Byron—

'No more, no more, oh! never more on me
The freshness of the heart can fall like dew,
Which, out of all the lovely things we see,
Extracts emotions beautiful and new,
Hived in our bosoms like the bag o' the bee.
Think'st thou the honey with those objects grew?
Alas! 'twas not in them, but in thy power
To double e'en the sweetness of a flower.'

Herein lies the foundation of the *laudatio temporis acti*, which is inseparable from advancing years in all cases but in that of the philosophical few, who are satisfied that 'every generation grows wiser and wiser,' and that the progress of the useful in one way is more than a compensation for the loss of the agreeable in another. We shall not discuss in this place how far the useful and agreeable are identical or opposite. Medicine is useful, and not agreeable; and it may, at some periods, be very desirable for the ultimate benefit of mankind that they should be subjected to a course of moral and political medicine, drenched with mental cathartics, and restricted, for their greatest indulgence, to potations of intellectual toast and water. This we shall not gainsay; but our present business is with an article of mental luxury, in which we shall restrict our view of the useful to that which is useful for the accomplishment of the object proposed, leaving the great question *de finibus* to those who have already settled it to their own satisfaction.

The object proposed by the Italian Opera is to present the musical drama in the most perfect possible form. To this end there must be, in the first place, a good drama: an interesting story, intelligibly told in good poetry, and affording ample scope for strong and diversified expression: good music, adapting the sound to the sense, and expressing all the changes and trains of feeling that belong to the ideas and images of the drama: good performers—persons of good figures and features—picturesque in action, and expressive in countenance—with voices of fine tone and great power, having true intonation, scientific execution, and above all, or rather as the crown of all, expression—expression—expression: the one all-pervading and paramount quality, without which dramatic music is but as a tinkling cymbal: elegant and appropriate dresses—beautiful scenery—a chorus, each of whom should seem as if he knew that he had some business of his own in the scene, and not as if he were a mere unit among thirty or forty automata, all going like clock-work by the vibrations of the

conductor's pendulum: a full orchestra of accomplished musicians, with a good leader—and especially without a conductor keeping up, in the very centre of observation, a gesticulation and a *tapage* that make him at once the most conspicuous and most noisy personage in the assembly, distracting attention from the sights and sounds that ought exclusively to occupy it—an affliction to the eye, and a most pestilent nuisance to the ear. But, with all this, there should be (as there used to be) an audience regulating its costume and its conduct by the common conventional courtesies of evening society; not with men wearing hats among well-dressed women, and rubbing dirty boots against white petticoats; nor with an influx of late comers, squeezing themselves between the crowded benches, and sitting down in the laps of their precursors, as we have both seen and suffered. We are aware that some advocates for universal liberty think that the morning liberty of the streets should be carried into all evening assemblies; but, looking back to the Athenians, we cannot consider that cleanliness and courtesy are incompatible with the progress of freedom and intelligence.

Now, by following out the principal points which we have enumerated a little in detail, we shall see what we have had, and what we have wanted—what we are likely to have, and what we are likely to continue to want—for the bringing together of the constituent portions of a perfect musical drama. Lord Mount Edgcumbe touches all these points. We shall content ourselves, on the present occasion, with citing a few of his observations, and expressing our own opinions in a subsequent commentary:—

'The opera in England, for the period of ten years after the departure of Catalani, will afford much less room for observation than any of the preceding, as far as the singers are concerned; for, with one or two exceptions, there were not any of whom I feel inclined to say much, because there is not much to be said in their praise. But so great a change has taken place in the character of the dramas, in the style of the music, and in its performance, that I cannot help enlarging a little on that subject before I proceed farther.

'One of the most material alterations is, that the grand distinction between serious and comic operas is nearly at an end, the separation of the singers for their performance entirely so. Not only do the same sing in both, but a new species of drama has arisen, a kind of mongrel between them, called *semi-seria*, which bears the same analogy to the other two that that non-descript the melo-drama does to the legitimate tragedy and comedy of the English stage. The construction of these newly-invented pieces is essentially different from the old. The dialogue, which used to be carried on in recitative, and which in Metastasio's

operas is often so beautiful and interesting, is now cut up (and rendered unintelligible if it were worth listening to) into *pezzi concertati*, or long singing conversations, which present a tedious succession of unconnected, ever-changing motivos, having nothing to do with each other, and if a satisfactory air is for a moment introduced, which the ear would like to dwell upon, to hear modulated, varied, and again returned to, it is broken off before it is well understood or sufficiently heard, by a sudden transition into a totally different melody, time, and key, and recurs no more: so that no impression can be made, or recollection of it preserved. Single songs are almost exploded, for which one good reason may be given, that there are few singers capable of singing them. Even a prima donna, who would formerly have complained at having less than three or four airs allotted to her, is now satisfied with one trifling cavatina for a whole opera.

'The acknowledged decline of singing in general (which the Italians themselves are obliged to confess) has no doubt, in a great measure, occasioned this change. But another cause has certainly contributed to it, and that is the difference of the voices of the male performers. Sopranos have long ceased to exist, but tenors for a long while filled their place. Now even these have become so scarce, that Italy can produce no more than two or three very good ones. The generality of voices are basses, which, for want of better, are thrust up into the first characters, even in serious operas, where they used only to occupy the last place, to the manifest injury of melody, and total subversion of harmony, in which the lowest part is their peculiar province.

'These new first singers are called by the novel appellation of *basso cantante* (which, by the bye, is a kind of apology, and an acknowledgment that they ought not to sing), and take the lead in operas with almost as much propriety as if the double bass were to do so in the orchestra, and play the part of the first fiddle. A bass voice is too unbending, and deficient in sweetness for single songs, and fit only for those of inferior character, or of the buffo style. In duettos, it does not coalesce well with a female voice, on account of the too great distance between them, and in fuller pieces the ear cannot be satisfied without some good intermediate voices to fill up the interval, and complete the harmony. Yet three or four basses now frequently overpower one weak tenor, who generally plays but a subordinate part.'—pp. 118-123.

We shall begin with the drama itself—the dramatic poem, the libretto.

Rousseau has admirably described what the lyrical drama ought to be:—

'On sentit qu'il ne falloit à l'Opéra rien de froid et de raisonné, rien que le spectateur pût écouter assez tranquillement pour réfléchir sur l'absurdité de ce qu'il entendoit; et c'est en cela surtout que consiste la différence essentielle du drame lyrique à la simple tragédie. Toutes les délibérations politiques, tous les projets de conspiration, les expositions, les récits, les maximes sentencieuses, en un mot, tout ce qui ne

parle qu' à la raison, fut banni du langage du cœur, avec les jeux d'esprit, les madrigaux, et tout ce qui n'est que des pensées. Le ton même de la simple galanterie, qui cadre mal avec les grandes passions, fut à peine admis dans le remplissage des situations tragiques, dont il gâte presque toujours l' effet: car jamais on ne sent mieux que l' acteur chante, que lorsqu' il dit une chanson.'

The business, indeed, of the lyrical dramatist is to present, with the most perfect simplicity, the leading and natural ideas of an impassioned action, divested of all imagery not arising from spontaneous feeling. A heroine in distress must neither demonstrate her misery by an accumulation of evidence, as in an old French tragedy, nor dress it out in a complication of heterogeneous figures, as in a modern English song, in which everything is illustrated by a chaos of images which never met in the organized world: for instance, in a Venetian serenade, in the opera of Faustus—

'Lucy dear, Lucy dear, wake to the spring,
Hark! how the village-bells merrily ring.'

Village bells in Venice! and, moreover, peculiar to the spring—a sort of tintinnabulary efflorescence, characteristic of the season, like the cowslip and the cuckoo! Or in a song which we have heard Braham sing fifty times,—

'Is there a heart that never loved,
Or felt soft woman's sigh?
Is there a man can mark unmoved
Dear woman's tearful eye?
Go bear him to some desert shore,
Or solitary cell,
Where none but savage monsters roar,
Where man ne'er deign'd to dwell.'

Here is a solitary cell, of which the grievance is, not that none dwell in it, but that none roar in it except savage monsters, whose presence makes it solitary. Or in a song which we have heard as often from half-a-dozen female singers,—

'Meet me by moonlight alone,
And then I will tell you a tale
Must be told by the moonlight alone,
In the grove at the end of the vale.
You must promise to come, for I said
I would show the night-flowers their queen:
Nay, turn not away that sweet head,
'Tis the loveliest ever was seen.'

The reason for the lady meeting the gentleman by moonlight is, that he has promised to show the night-flowers their queen, videlicet herself; and the lady must do something very incon-

gruous, because the gentleman must keep his word with the night-flowers.

We have put down these specimens from memory. They are the first that occur to us, but they are fair samples of modern English musical poetry—astounding and impertinent nonsense—answering no purpose, if it happens to be heard, but to distract the attention from any degree of natural feeling and expression which may belong to the music or the voice. We had much rather that the words were in the language of Otaheite. We could then at least guess at something that suited the music.

The poetry of the Italian Opera is quite the contrary of all this. It gives, with little or no ornament, the language of passion in its simplest form: a clear and strong outline to be filled up by the music: which is itself the legitimate ornament and illustration of the leading ideas and sentiments of the scene. The essentials of style, in the composition of dramatic poetry for music, are simplicity and severity. It may be said, that the same rhymes and phrases are of constant recurrence; but though they are the same to read, they are not the same to hear. The cor and amor, fedeltà and felicità, of Desdemona, are not those of Medea. The music paints the difference. There is nothing in any Italian libretto at all resembling the egregious rigmarol of our modern English songs.

To illustrate what we have said, and to avoid even the appearance of selection, we will point to the words of Rubini's most popular airs: "Ah! così ne'dì ridenti," and 'Vivi tu, te ne scongiuro' in Anna Bolena: 'Pasci il guardo' in La Sonnambula—and 'Tu vedrai la sventurata' in Il Pirata. We will quote a few lines from two of them:—

'Nel veder la tua costanza
Il mio cor si rasserena:
Non temea che la tua pena,
Non soffrì che il tuo soffrir.
L'ultim 'ora che s'avanza
Ambidue sfidar possiamo,
Che nessun quaggiù lasciamo
Nè timore nè desir.' ANNA BOLENA.

'Ma non fia sempre odiata
La mia memoria, io spero;
Se fui spietato e fiero,
Fui sventurato ancor.
E parlerà la tomba
All e pietose genti,
De' lunghi miei tormenti,
Del mio tradito amor.' IL PIRATA.

These are fair specimens of Italian airs, and serve to prove what we have alleged respecting the simplicity and even severity with which the leading ideas are presented unencumbered with ornament. Our old English songs were models of simplicity, but our modern songs are almost all false sentiment, overwhelmed with imagery utterly false to nature, like the night-flowers and solitary-celled monsters quoted above. Mr. Moore, with his everlasting "brilliant and sparkling" metaphors, has contributed to lead the *servum pecus* into this limbo of poetical vanity: but the original cause lies deeper: namely, in a very general diffusion of heartlessness and false pretension. We will not now pursue the investigation—but as we are speaking of English theatrical songs, we will observe, that the introduction, always objectionable, of airs not belonging to the piece, is nevertheless usually managed on the Italian stage with a certain degree of contrivance, and fitted by a new scena into the business of the drama. The same thing is done in English operas, in a manner marvellously clumsy and inartificial. For instance, Henry Bertram, in Guy Mannering, loses his way among rocks, expects to be attacked by thieves—resolves to fight manfully—recollects how manfully Nelson fought at Trafalgar, and strikes up—"'Twas in Trafalgar bay!"

A singular instance of the obtuseness of our English opera song-makers occurs in the opera of Rob Roy. Some of Wordsworth's verses were adopted, including the well-known passage,

> 'the good old rule
> Suffices them; the simple plan,
> That they should take who have the power,
> And they should keep who can.'

The opera-wright thought it would improve these verses to make the first and third lines rhyme, and actually altered them as follows:

> 'the good old maxim still
> Suffices them; the simple plan,
> That they should take who have the will,
> And they should keep who can.'

He could not see the essential difference between the *will* and the *power* in this matter of taking.

Lord Mount Edgcumbe quotes a passage from Schlegel's Lectures:—

'A few only of the operas of Metastasio still keep possession of the stage, as the change of taste in music demands a different arrangement of the text. Metastasio seldom has chorusses, and his airs are almost always for a single voice: with these the scenes uniformly terminate, and the singer never fails to make his exit with them. In an opera we now require more frequent duos and trios, and a *crashing* finale. In

fact, the most difficult problem for the opera poet is the mixing the complicated voices of conflicting passions in one common harmony, without injuring their essence: a problem however which is generally solved by both poet and musical composer in a very arbitrary manner.'

And adds—

'The consequence of this is that all the new dramas written for Rossini's music are most execrably bad, and contain scarcely one line that can be called poetry, or even one of common sense.'

This sweeping condemnation is by no means merited. Some of Rossini's libretti are detestable enough; but there is much good dramatic poetry in some of them, Tancredi and Semiramide especially. It is true, that in these dramas the Italian poet had only to condense the essence of Voltaire's tragedies, but the task is well executed. The libretto of Donizetti's Anna Bolena is an excellent dramatic poem.

It is seldom that we are enabled to judge fairly either of an Italian libretto, or of the music of an opera as a whole. For example, in 1832 Mr. Monck Mason professed to bring forward Pacini's Gli Arabi nelle Gallie. He first cut it into halves, and put the second half aside, or into the fire. He then cut away the beginning and substituted that of Rossini's Zelmira. He then tacked a strange air, we forget from whence, to the middle, by way of an end, and thus presented to the public both author and composer literally without head or tail. The critics discovered that the drama was nonsense, and that much of the music was stolen; and Pacini and his poet bore the blame which belonged to the manager. This mode of murdering reputations ought to subject the offender to an action for damages. 'I was induced, unfortunately,' says Lord Mount Edgcumbe, 'to go one night to see Gli Arabi nelle Gallie, a very poor opera by Pacini.' What he saw was poor enough, but it was not Pacini's opera. In the same season Bellini's La Straniera, which has much beautiful melody, and an interesting and intelligible story, founded on the Vicomte d'Arlincourt's L'Etrangère, was presented in such a chaotic fashion, that the intentions of both poet and composer remained an unfathomable mystery.

These liberties are taken more or less with the works of all masters, from the greatest to the least. Mozart himself does not escape them. Interpolation indeed he does escape. The audiences of the King's Theatre are justly strict in this one point only, that they will not permit the sewing on of an extraneous purple shred to any of his great and sacred textures. But garbled and mutilated his works are abominably, to fit the Procrustean bed of an inadequate company, or to quadrate with the manager's notions of the bad taste of the public. A

striking instance of this is in the invariable performance of Il Don Giovanni without its concluding sestetto. Don Juan's first introduction to a modern English audience was in a pantomime (at Drury Lane we believe), which ended with the infernal regions, a shower of fire, and a dance of devils. Mozart's opera has, properly, no such conclusion. Flames arise—a subterranean chorus is heard—Don Juan sinks into the abyss—the ground closes above him—Leporello remains on the stage: a strongly-marked modulation leads from the key of D minor into that of G major, with a change from common time andante to triple time allegro assai; and the other characters, ignorant of the catastrophe, rush in to seek their revenge:

'Ah! dov' è il perfido,
Dov' è l'indegno? &c.'

Leporello explains the adventure, and after a general exclamation, a solemn pause, and an exceedingly sweet larghetto movement, in which the dramatis personæ dispose of themselves, 'Or che tutti, o mio tesoro,' the opera is wound up by a fugue in D major—'Questo è il fin di chi fa mal:' one of the very finest things in dramatic music, and the most appropriate possible termination of the subject; and yet is this most noble composition, this most fitting and genuine conclusion, sacrificed to a dance of devils flashing torches of rosin, for no earthly reason but that so ended the Drury Lane pantomime.

Le Nozze di Figaro and Il Flauto Magico both require a better and more numerous company than is ever assembled in this country. If we have in the former an Almaviva, a Figaro, a Contessa and a Susanna, it is the usual extent of our good fortune. We have seldom an endurable Cherubino; Marcellina is generally a non-entity: Barbarina always so; Bartolo, Basilio, and Antonio take their chance, which is seldom good for any of them, and never for all; and Don Curzio is for the most part abrogated.

Il Don Giovanni and Le Nozze di Figaro are both specimens of excellently-written libretti, separating most effectively the action and passion from the ratiocination of the originals; but we have seen the latter especially performed in such a manner, that if we had known nothing of it but from the representation, we should have found it incomprehensible; and this sort of experiment on things which we know well should make us cautious of pronouncing summary judgment on things of which we know nothing but from the showing of the King's Theatre.

Il Flauto Magico is a well-written libretto, but the subject is too mystical to be interesting, or even generally intelligible; and this is a great drawback on its theatrical popularity, which has never approached that of the Giovanni and Figaro, though

the music exhausts all the fascinations of both melody and harmony, and may be unhesitatingly cited as the absolute perfection of both. It requires more good singers than either of the others, and it requires them the more imperatively, as it depends more exclusively on the music. It requires seventeen voices besides the chorus. The music which is assigned to the three nymphs and the three genii is almost supernaturally beautiful: for this alone there should be six good voices, and there are, without these, six principal and five secondary parts. We may therefore despair of ever hearing this opera performed as it ought to be.

The works of Italian composers do not require, in any instance that we remember, so many performers. Those of the most modern composer of any name—Bellini—are singularly restricted in their principal parts. He seems to endeavour to defend himself against the caprices and jealousies of the performers by giving them nothing to quarrel about. A prima soprano, a primo tenore, a primo basso, and the ordinary components of a chorus, can perform his Pirata. There can be no dispute here about pre-eminence, but the general effect is necessarily meagre. But the progress of self-conceit among singers has made this result inevitable. A prima soprano is now to be found everywhere, and a seconda nowhere; and though many who assume to be first are scarcely fit to be second, they will not be content with what they are fit for, but will be first or nothing. There appears to be this great difference between a German and an Italian company—that the Germans will cooperate to the production of general effect, and the Italians will look to nothing but their own individual display. We have seen, in a German opera, the same person taking a principal part one night, and singing in the chorus the next. We have seen the same with the French; but with the Italians this never occurs. A German author and composer may therefore give fair scope to their subject; but the Italians must sacrifice everything to their company, and all in vain, except for the first production—for to the whims and inefficiency of every new company the unfortunate opera must be refitted and garbled. Bellini's is the true plan for his own reputation. A soprano, a tenor, a bass, and a chorus, there must be in every company, and they can have nothing to quarrel for; but the musical drama must be ruined if this were to become the rule of its construction. And the scheme, after all, is not always successful: for in 1830 the prima donna transposed the middle and end of Il Pirata, in order that she might finish it herself instead of the tenor.

'Ma femme, et cinq ou six poupets,' will not make a company

in the opinion of any one but Catalani's husband. No one, indeed, who has seen and heard Catalani, or Pasta, or Malibran, or Giulietta Grisi, would willingly dispense with one such prima donna; but the single star should not be worshipped exclusively to the sacrifice of the general effect. She can be but a component, however important, part of it; and if the general effect fails, the star will fall.

But with us, though the star cannot shine if the general effect be bad, no general effect, however otherwise excellent, will produce attraction without a star. In 1832, though the star of the French opera of Robert le Diable (Madame Cinti) was but one of the fourth magnitude, yet with her eclipse the opera fell. We thought the general effect improved by the substitution of Mdlle. Schneider, but the public resolutely abstained from sitting in judgment on the question. Madame Cinti's voice was not powerful—Mdlle. Schneider's much less so: both had sweetness and good execution; but Madame Cinti was as cold as an icicle, and Mdlle. Schneider was all feeling and expression. For example, in the Princess Isabella's duet with her lover Robert, in which he begins—

'Avec bonté voyez ma peine
Et mes remords,
Et n' allez pas par votre haine
Punir mes torts,'

the princess echoes the words, 'Et vos remords!' 'Punir vos torts!' In Madame Cinti's performance we had merely the musical echo: in Mdlle. Schneider's we had an expression of the deepest tenderness. Her 'Et vos remords' seemed to imply that his remorse was an expiation of his offences: her 'Punir vos torts' seemed to imply, that for her to punish his offences was impossible. Now this is the expression which is the soul of music, of which Madame Cinti had not a particle, and of which Mdlle. Schneider was full to overflowing; but everybody went to hear Madame Cinti, and nobody went to hear Mdlle. Schneider. We formed our secret opinion in the solitude of an empty theatre, and now communicate it to the public in especial confidence.

We do not agree in opinion with Lord Mount Edgcumbe that the decline of singing in Italy has conduced to the composition of melodramas and the frequency of pezzi concertati. There has been an increase of excitement in the world of reality, and that of imagination has kept it company. The ordinary stage deserted the legitimate drama for melo-drama before the musical stage did so. The public taste has changed, and the supply of the market has followed the demand. There can be no question that Rossini's music is more spirit-stiring

than Paësiello's, and more essentially theatrical: more suited to the theatre by its infinite variety of contrast and combination, and more dependent on the theatre for the development of its perfect effect. We were present at the first performance of an opera of Rossini's in England: Il Barbiere di Siviglia, in March, 1818. We saw at once that there was a great revolution in dramatic music. Rossini burst on the stage like a torrent, and swept everything before him except Mozart, who stood, and will stand, alone and unshaken, like the Rock of Ages, because his art is like Shakspeare's, identical with nature, based on principles that cannot change till the constitution of the human race itself be changed, and therefore secure of admiration through all time, as the drapery of the Greek statues has been through all the varieties of fashion.

Whether singing in Italy has declined is another question. Lord Mount Edgcumbe received his first impressions in the days of 'the divine Pacchierotti.' We, who received ours at a later period, cannot sympathize with him in his regret for the musici. We are content with such vocal music as the natural voice will allow us; we listen with unmixed pleasure to such a basso as Tamburini. The whole compass of the human voice finds its appropriate distribution in concerted music, otherwise the distribution is wrong, and not the principle of admitting the bass voice. The basso-cantante does not take the lead in the pezzo-concertato, any more than the double bass takes the place of the first fiddle in the orchestra. The one has its proper place in the instrumental, and the other in the vocal distribution. And if much of the dialogue which was formerly carried on in recitative is now carried on in concerted music, it is because it is found more agreeable and more suited to the changes and varieties of passion, and is at the same time readily followed by the majority of the audience, who would now find an old opera consisting of only recitative and single airs, with at most one or two duets, or a duet and a terzetto, a very insipid production. The favourites of a century, or even half a century back, could not be successfully reproduced without ripienimenti.

Lord Mount Edgcumbe's first impressions make him partial to thin and shrill tones. This is evident to us, in his praise of Camporese and Caradori; but with the decline of the musici, a fuller volume of tone in the female voice has been more and more required to satisfy the ear in concert with tenori and bassi. Tosi, the idol of Naples, with her soprano-sfogato voice, was not endured in England in 1832. The perfection of our domestic musical instruments has also contributed to this result. We have lost all relish, and even all toleration, for the

tone of the harpsichord, since we have received our first ideas from that of the piano-forte.

A good opera well performed is a great rarity with us. Good operas there are in abundance; but there are seldom either sense or knowledge in the management to select them, or power or good-will in the company to do them justice. The best singers come here for only a portion of the season: they sing morning, noon, and night, at concerts; they have no time to rehearse. The manager has collected stars, but not a company: there is a soprano too much, and a contralto too little—a tenor wanting, and a basso to spare: they patch up a performance as they may—altering, garbling, omitting, interpolating—and the result is, a bad concert instead of a good opera. A good opera is a whole, as much in the music as in the poetry, and cannot be dislocated and disfigured by omissions and interpolations, without destruction to its general effect.

Lord Mount Edgcumbe justly observes that

'a mean economy prevails in all the inferior departments, with regard to secondary singers, the chorus and orchestra: the scenery, decorations, and wardrobe, are in every respect unworthy of the largest theatre in the country.'—p. 176.

But the enormous expense of the principal singers and dancers would not alone render this mean economy necessary, if it were not for the enormous rent exacted for the house. By a rough calculation which we made the other day, it appeared to us that the Italian Opera has been carried on in England for about a century and a quarter, at an average net loss of 5000*l.* a year; but of late years the Opera has yielded what would have been a liberal profit to the proprietors of the theatre, if it had been carried on by the proprietors, and not by a lessee, saddled with a disproportionate rent.

Lord Mount Edgcumbe reprobates the novel introduction of a conductor into the orchestra, not playing himself but beating time with a noisy bâton. Assuredly our Italian opera conductor verifies the remark of Dr. Burney:—

'Rousseau says, that the more time is beaten the less it is kept; and it is certain that when the measure is broken, the fury of the musical general, or director, increasing with the disorder and confusion of his troops, he becomes more violent, and his strokes and gesticulations more ridiculous in proportion to their disorder."—p. 235.

Lord Mount Edgcumbe makes some observations on the change which has taken place in the appearance and conduct of the audience of the King's Theatre, which we fully agree with him is a change altogether for the worse. We confess we have

a prejudice in favour of sitting at our ease among well-mannered company, and we have been elbowed and annoyed out of all endurance of the pit at the Opera. Amongst the principal causes of this change is the profuse admission of orders; and on what ground these are given we saw the other day some curious evidence in a case in the Court of Requests. One of the former managers of the Opera had set up a paper called the Theatrical Critic, which did not succeed, and had left off in debt to the editor two guineas, for which important amount he was summoned; and it appeared that, in postponing the payment, he had told the editor a box was always at his service. After this we need not wonder at the heterogeneous composition of the audience in the pit. Assuredly those who pay have a right to complain, if they find all the places pre-occupied by those who do not. They do not complain, however, but they exercise another right more fatal to the management, and more just to its misconduct—the right of staying away. In short, as Lord Mount Edgcumbe justly observes,—

'The whole system is radically bad; and nothing can restore the Opera in this country to its former respectable and agreeable footing, or the performances to that excellence which a public paying so dearly has a right to expect, but a total reformation, an entire change of proprietors, of managers, of all parties connected with the theatre, I had almost said, hampered and embarrassed as it is, of the theatre itself.'—p. 186.

We should be sorry to change the theatre, because it is the finest vehicle for sound in Europe; but we wish to see it thoroughly reformed in all the points to which we have adverted, and in another very important matter—that of its exits and its entrances. It was not intended for a crowd, but it is now often crowded, legitimately or artificially; and the occurrence of a fire on a crowded night would ensure the destruction of the audience. It is surrounded, or rather built in, by shops and taverns, and even the alarm of fire in any one of these would occasion incalculable mischief.

But it is vain to anticipate any reform of this theatre while it is in the hands of the assignees of a bankrupt estate, who think only of exacting the utmost possible rent within the year—(a double rent, in short: first, a fair return on the capital; and, second, a most unfair and unjustifiable tax on the monopoly of the license)—from an impresario who is only an annual tenant, who can, therefore, make no prospective arrangements—who is always taken unprovided at the beginning of the season—who thinks of nothing but how to make both ends meet at the end of it—who trusts to his skill in the 'detection of a star' to redeem himself by a temporary attraction in the course of it—

and who, if he can fill the theatre by a fiddler or a dancer, is content to let the opera take its chance. It is true that we are indebted to him for some operatic stars, as well as for heroes of one string, and heroines of one toe; but he has done nothing, or worse than nothing, for the musical drama, about which he neither knows nor cares anything. Last year he had five admirable performers: Giulietta Grisi, Rubini, Tamburini, Ivanoff, and Zuchelli—the first three the best soprano, tenor and bass, perhaps, in the whole musical world. What these five could do was done transcendently well, but he had no contralto, or one too inefficient to be a principal, and too conceited to be a second; and La Gazza Ladra was performed a dozen times with a walking Pippo. Half a dozen most familiar operas, and one indifferent novelty, were the entire performances of the season: still it was much to have such singers, especially with the exquisite acting and personal fascinations of Giulietta Grisi, and they carried the season profitably through, with the help, indeed, of Taglioni, *la Déesse de la danse*. The present manager has an advantageous foil in the impresario of 1832, who, having professed to reform the Italian Opera, did not present a single good Italian performance throughout his entire management; but a manager of the Italian Opera should be—

'conversant with the Italian stage, a good judge of music and of singers, acquainted with foreign languages and foreign usages, of liberal ideas, not sparing of expense, but judicious in the application of it; knowing what is right, and firm in exercising his authority to enforce it: in short, one who can act for himself, and not be dependent on the ignorance or bad faith of subordinate agents. Such a one only can carry on the business of the theatre with success, and give to the English public a really good Italian opera.'—pp. 176, 177.

Such is Lord Mount Edgcumbe's idea of what an Italian Opera manager ought to be: it is unquestionably just; but it is unfortunately a portrait to which we may long continue to apply the words of Juvenal,—

——' qualem nequeo monstrare et sentio tantum.'

M. S. O.

Art. IX.

POETRY OF THE POOR.

Poems. By Ebenezer Elliott. 3 vols. 12mo. Steill, Paternoster Row. 1833-4-5.

THE time is gone by when the introduction of a reviewer could be of any avail to the Poet of the Poor. Ebenezer Elliott has taken the place to which he is entitled; his name is

on the nation's muster-roll of bards: the laurel-crowned have received the unwashed artificer into their fellowship; no future Johnson will edit the works of the British poets without a biography of the man of Hallamshire. Were he never to write another line, this collection of his poems, of which the third volume has just appeared, would be amply sufficient for his credentials. The public know this as well as we do. The verdict of those who are qualified to serve on such a jury is pronounced; the intellectual rank, as a poet, of Ebenezer Elliott is established.

This fact involves another, and that of much greater importance. Our country is rich in poets; one the more, or the less, would not materially signify—at least, not as to the character of our literature. In itself it would signify much; for every individual poet is a revelation of some peculiar phasis of human nature; and it were better to lose another Pleiad from the heavens, than one star of their bright constellation. English literature, looking only at the comparative numbers of its bards, might boast itself, as does King Henry in Chevy Chase, when he loses even a Percy—

> 'I trust I have within my realm
> Five hundred good as he.'

But the recognition of Elliott is more than the enrolment of another name, whatever the degree of its lustre. He comes into the national assembly of the republic of letters as Daniel O'Connell first came to the House of Commons; he demands admission for a new, and hitherto unrepresented and unrecognised class; he comes with a 'tail'—a long one, and perchance not without a sting—a deadly sting for those who have doomed it to the dust. He not merely substantiates a literary name, but he establishes a literature, and one of ominous aspect—the Literature of Poverty.

The Literature of Poverty is not constituted merely by the poverty of its authors; nor is their actually existing in that condition at all essential to its production. They may be affluent, provided that the inner man have not changed with the outer garments, nor the heart forgotten its original sympathies. It is rumoured that Elliott himself (ten children and bread-tax notwithstanding) has migrated, or does daily migrate, from the street-bound shop to the suburbs of Sheffield, taking his ease and inditing his verses in a house of handsome red-brick elevation, with a patch of smiling greenery in front, fenced by iron railing wrought by his own strong arm. So be it; for so, and better still, it ought to be. He is not the less the Poet of Poverty: a title left unoccupied for him by all who

have gone before, whatever the destitution of their lives or the starvation of their deaths. Poor enough have generally been the brethren of the quill. Grub-street and garretteering were no unwarranted scoff;—the linings of their pockets, void even of an empty purse, were only worn by the forlorn friction of fingers that sought and found not. The fate of Otway tells how they ate, and that of Chatterton how they drank. Goldsmith swears that the Muse 'found him poor at first, and kept him so:' and so her lovers were mostly treated; and that not without a reason which they might have discovered, with a little more of wit, or of the inspiration which they boasted. But the time was not come for literature to spurn servility, and ally itself with labour. They were poor, but not of the poor; their poverty was an individual accident, not the characteristic of their class. The author always claimed to belong to the gentry, and not to the commonalty—to the drones, and not to the bees. His condition was the misfortune of his genius: he was 'fallen from his high estate'—as high as the clouds, may be, where it spread far and wide. Patronage always presented itself as the balloon on which he was to remount to its possession. Burns was the harbinger of that rebellion in literature which Elliott has consummated, when he sang—

'Is there for honest poverty
  Wha hangs his head, and a' that?
The coward slave! we pass him by,
  And dare be poor for a' that.'

There spake the sturdiness of the Scotch peasant. No bard had yet dared to be more than a reduced gentleman. Smollett's Ode to Independence is only conventional. The 'lord of the lion heart and eagle eye' is an aristocratic personification. There is no spirit in the strain like that of the couplet in the Dedication to Gavin Hamilton—

'For me, sae low I needna bow,
  For, Lord bethankit, I can plough.'

This was a new thing in poetry, and in literature generally. Here was no creature to be caught and tamed, and kept in the great house together with the fool and the footman;—here were the feelings of the class, embodied by the power of the individual;—here was Foote's preference reversed, and worsted hose, whole, preferred to ragged silk. 'Any gentleman may have met with an accident, and torn his stockings, but no gentleman can have put on worsted stockings.' Authors stuck to their tatters as long as their tatters would stick to them. Feeling is the soul of poetry; and the feelings expressed in their compositions, notwithstanding the frequent severity of their

personal privations, were, either really or conventionally, those of the educated and propertied classes: they painted the lilies, which toil not, neither do they spin.

Nor can those productions be properly designated the Literature of Poverty, which are manufactured by the other classes for the especial use of the poor; or those in which, either on this account, or for the sake of additional variety and stimulus, poverty and its phenomena are made the subjects of description or exhibition. The writers of religious tracts have greatly the advantage over any other class of authors, inasmuch as their zeal brings them more into actual and familiar contact with those for whom they write, and excites their efforts to produce an impression by motives of the strongest kind. And yet these compositions are, as a whole, an egregious failure: they have never struck root in the heart of poverty. These millions of good little books have done little good on the millions. In the religious library of the cottage, there is but one book that is *bought*—but one book that lives. And why? It was written by a poor man, in the power of that renovating spirit of religion which made him conscious of his own heart and soul. What are the Hannah Mores and Legh Richmonds, with all the Shepherds of Salisbury Plain and Dairymen's Daughters, the best of their fraternity though they be, to the Bedford tinker? Glory to the memory of John Bunyan, for the Pilgrim's Progress has ever been the poor man's Paradise Regained. It is the Cottage Epic. Bishops have tried their hands at fictions of this sort; but the spirit was not in them. Their pilgrims have perished. The prison was too potent for the palace. Only honest John knew the way to the heart. Christian renews his course with every generation: he runs his race like the sun, and long will it be ere the revolution is disturbed. Whenever Religion nurses the children of Poverty, she charms them with that strain. They all know and love the Pilgrim. They look amazedly as he runs away from the city of Destruction. Their little backs ache under that eternal burden which he bears: he has the 'fardel,' but they 'groan and sweat.' How wise they grow among the delightful mysteries of the Interpreter! What heart-panting at the fight with Apollyon, and the Valley of the Shadow of Death. And even Martin has not out-painted the visions which have appeared to millions of young eyes, of the delectable mountains and the celestial city.

But Bunyan had no intention of describing a poor man in Christian, or a poor maiden in Mercy. The influence of condition is rather a secret spring of his power than the purpose of its exercise. It was, what the northern Alexander called him-

self, 'a lucky accident.' He wrote for people *quâ* religious rather than *quâ* poor. All were alike poor in his contemplation. Not poverty and wealth, but sin and salvation, were in his mind. He was the genius of illiterate theology. What he did, however, casts strong light upon what all others have left undone. The poor like not to read about the poor. Tales of great lords and ladies, and kings and princes, for them. There they are out of their own world; and the imperfections of the picture do not weary them, nor its falsehoods disgust. They can feel some interest, though not the best and strongest: that is reserved for their own proper literature.

If the religious poor, as described in tracts, be bad, the pastoral poor of poetry have been a thousand times worse. O the Arcadians, with their crooks, pipes, and garlands! We knew a juvenile cockney who performed a pilgrimage of thirty miles into Kent to see a shepherd. Blessings on his young heart, though it was thereby embittered. The feat was forty years ago; but to this day he curses Pope, and all his tribe, with the venom of an Irish Protestant. Nor have the city poor been better used than the rural population. The only section of them, which books have not blackened, is that of servants. The faithful dependent, ever grateful for the smallest bounties, and trusty in the greatest trials, is an admissible character; he keeps his proper place in the tale, as he does in the household; for him, literature has a lowly niche, and even religion a promise—for if his master be a Christian gentleman,

> 'He thinks, admitted to that equal sky,
> His faithful dog shall bear him company,'

though at a respectful distance; for the ancient may hope to be saved, but not before the lieutenant.

Crabbe was the first to look poverty fairly in the face, and faithfully to paint its portrait. He set about the work in right earnest, and copied all sorts of foulnesses with true Dutch doggedness: not a shade of dirt in the dunghill escaped his keen eye for dark colouring. He copied character too, and cut its outline clear and deep, as with the sharp point of strongly-handled gravers. But in Crabbe's writings, he only speaks for and of the poor—in those of Elliott, the poor speak of and for themselves. Crabbe did them something like justice—at least in things external; but none are efficiently righted unless they right themselves. To right themselves, it was necessary for them to have a literature of their own.

This could not be, until after education had made that progress by which late years have been distinguished. Heretofore,

if talent made way at all, its possessor left the ranks of poverty. He probably adopted the doctrine, that 'those who think must govern those who toil,' and took his station in the superior class. His original sensations would wear out, and all communion of spirit cease between him and his native Pariah brethren. They were no public for him. Only by the aristocracy would his powers be appreciated. With them, if he retained much of the then ill-developed feeling of poverty, it would not be prudent to let it blaze out very brightly. The multitude became readers but just in time to restrain patronage from playing abominable tricks. Bloomfield was no politician, and he consequently enjoyed in peace the premium for his pastoral, which was the being set up in trade as the master of a London shoe-shop; but Burns, after he was promoted to 'gauge ale firkins,' wrote songs to freedom, and was called to order by the authority whose frown was persecution and starvation. The rise of a new estate in the realms of literature was imperatively required.

Whatever the poor had previously done in the world of mind, was done, not for themselves, but for their superiors. They had furnished some of the ablest statesmen and lawyers—the most eloquent divines—the profoundest men of science—the noblest poets; but to them there accrued comparatively little of good, and nothing of glory. It was not *their* science—their art—their literature; nor did it pourtray their emotions—set forth their wrongs—uphold their cause. The individual was honoured—the class from which he sprung forgotten. In the poem of 'Love,' Elliott has beautifully adverted to some of these instances. After the proud reminiscence, that 'richest Shakspeare was a poor man's child,' he thus speaks of Akenside, Brindley, and Chantry:—

> 'Northumbrian vales, ye saw, in silent pride,
> The pensive brow of lowly Akenside,
> When, poor yet learn'd, he wandered young and free,
> And felt within the strong divinity.
> Scenes of his youth, where first he woo'd the Nine,
> His spirit still is with you, Vales of Tyne!
> As when he breathed your blue-bell'd paths along
> The soul of Plato into British song.
>
> Born in a lowly hut an infant slept,
> Dreamful in sleep, and sleeping, smiled or wept:
> Silent the youth—the man was grave and shy;
> His parents loved to watch his wandering eye;
> And, lo! he waved a prophet's wand, and gave,
> Where the winds soar, a pathway to the wave!

From hill to hill bade air-hung rivers stride,
And flow through mountains with a conqueror's pride:
O'er grazing herds, lo, ships suspended, sail,
And Brindley's praise hath wings in every gale.

The worm came up to drink the welcome shower;
The red-breast quaff'd the rain-drop in the bower;
The flaskering duck through freshen'd lilies swam;
The bright roach took the fly below the dam;
Ramp'd the glad colt, and cropp'd the pensile spray;
No more in dust uprose the sultry way;
The lark was in the cloud; the woodbine hung
More sweetly o'er the chaffinch while he sung;
And the wild rose, from every dripping bush,
Beheld on silvery Sheaf the mirror'd blush;
When, calmly seated on his pannier'd ass,
Where travellers hear the steel hiss as they pass,
A milkboy, sheltering from the transient storm,
Chalk'd on the grinder's wall an infant's form:
Young Chantry smiled; no critic praised or blamed;
And golden promise smiled, and thus exclaimed:
"Go, child of genius! rich be thine increase;
Go—be the Phidias of the second Greece." '—

vol. ii. pp. 170, 171.

All the learning, science, and art of those who had been poor could never have created a literature of the poor. Mathematical science has always thriven amongst operatives whose sedentary occupations allowed opportunity for a pursuit which requires no aids and appliances beyond a legible book, bought for a song at an old book-stall, and a clear and patient intellect. Such men as Stone, Simpson, and Barlow, left many mathematical equals behind, in the condition from which favourable circumstances enabled *them* to emerge; but the diagrams of a Simpson or of a Napier bear no impress of either the shuttle or the coronet. There is no class-mark on these abstractions. No human feeling resides in them. The 'Loves of the Triangles' were sheer invention. No parallelograms but those of Robert Owen ever had even an imaginary connexion with social renovation. Happy was the time when the poor took to politics. The French Revolution was their first grand stimulus. The Corresponding Society was their first Institute. Then Bell and Lancaster prepared them for the mechanics of Birkbeck. The Diffusion Society shot wide of the mark, or fired over their heads; but the Great Unstamped levelled point blank at their hearts. The politics of the poor for the first time became their own. The sixth day of the literary world dawned; but the

breath of poetical life was still wanting. God said, 'Let Elliott be,' and there was a poetry of the poor.

The philosophy of poetry is not to be settled in a parenthesis. A sufficiently exact definition for our present purpose is, that it is the expression of truth under the excitement of emotion. In proportion as the truth is universal, and the emotion simple, will the poetry be of the highest and most permanent character. The greatest poets have always delighted to work with the uncompounded and unmodified elements of humanity. They are, in their outlines, sculpturesque rather than picturesque. Their colouring is broad and massy. They studied form, which is eternal, rather than colouring, which is evanescent. The heroes of Homer are much more men than Greeks and Trojans. Still they were but the men of one stage of civilization: a portion of their power is destined to wear out. Goethe and Wordsworth furnish better examples of the poetry of elemental man. They elicit it from the human constitution without the modifications arising from the peculiarities of any social state. The same may be said of some portions of Paradise Lost. Shakspeare astonishes us by his realizing so perfectly all modifications: what does this imply but his strong perception of the one pervading essence which is so differently modified? But while the soul of all poetry is the nature of man, as he exists at all times and under all circumstances, many of the modifications to which he is subjected produce diversified species of poetry, of great power and interest. The feudal or chivalric modification has been wrought very successfully. The vein is nearly exhausted; and the metal has ceased to be attractive. There was a period during which the man of wit was deemed the poetical standard of humanity. This was yet more exclusively than the other a species of class poetry. With all his opposition propensities and democratic cant, Lord Byron really was, and aimed to be, the poet of modern aristocracy. The qualities and emotions of this modification, or rather perversion of humanity, are the chief residuum which is left, when we evaporate the oriental and feudal ingredients, which are (in chemical phrase) the *colouring matter* of his tales. The redeeming quality of this character, as exhibited in his poetry, is that vigour of self-contempt, for which it is indebted to the individuality of the writer.

For a long time it seemed to be taken for granted that the condition of poverty, which must, comparatively, be that of the great majority, took man out of the sphere of poetry. The entire and practical demolition of this notion is the work of

Ebenezer Elliott. One of his longer poems, 'Love,' shews the universal passion of our being, under those peculiarities of origin, emotion, expression, and influence, which result from the peculiarities of the condition of poverty. Another, 'The Village Patriarch,' exhibits the modifying power of those same peculiarities on the perception, love, and enjoyment of external nature. The blindness of the hero of the poem often heightens the effect in a very touching manner. The collection entitled 'Corn Law Rhymes' is yet more obviously, though not perhaps more directly, to the purpose. They are the burning expressions of the emotions of down-trodden and plundered humanity. There is a spirit in them whose breath is like a furnace. They are full of the consciousness of power, of moral power. How very unlike the conventional democracy of Byron. How poor and feeble, and eked out with a never-to-be-fulfilled promise of making up by grand feats afterwards, is the conclusion of his 'Ode to Waterloo:'

'Smile they at this idle threat?
Crimson tears shall follow yet.'

That is to say, I will put on a becoming helmet, with a waving plume, and hire a band of Albanian guards, and who knows but we may have a fight for Europe. Ebenezer Elliott never nods and winks in this way. Listen to his chorus of Printers' Devils. It is no boys' play.

HYMN WRITTEN FOR THE PRINTERS OF SHEFFIELD.

'Lord! taught by thee, when Caxton bade
His silent words for ever speak;
A grave for tyrants then was made,
Then crack'd the chain which yet shall break.

For bread, for bread, the all-scorn'd man,
With study worn his press prepared;
And knew not, Lord, thy wondrous plan,
Nor what he did, nor what he dared.

When first the might of deathless thought
Impress'd his all-instructing page,
Unconscious giant! how he smote
The fraud and force of many an age!

Pale wax'd the harlot, fear'd of thrones,
And they who bought her harlotry;
He shook the throned on dead men's bones,
He shakes—all evil yet to be.

The power he grasp'd let none disdain;
It conquer'd once, and conquers still;
By fraud and force assail'd in vain,
It conquer'd erst, and ever will.

It conquers here! the fight is won!
We thank thee, Lord, with many a tear!
For many a not unworthy son
Of Caxton does thy bidding here.
We help ourselves, thy cause we aid;
We build for heaven beneath the skies:
And bless thee, Lord, that thou hast made
Our daily bread of tyrants' sighs.' vol. ii. pp. 281, 2.

Here is no 'idle threat,' and a grinning idiot must he be who can dream of smiling at these strains. And those of our readers who have not yet made themselves acquainted with the poetry of Elliott must not imagine that he is merely the Tyrtæus of poverty; he is more than its Tibullus also. How delicately is the following picture sketched; and how touchingly! It is from the 'Village Patriarch.'

'But, mourning better days, the widow here
Still tries to make her little garden bloom,
For she was country-born. No weeds appear
Where her poor pinks deplore their prison-tomb;
To them, alas, no second spring shall come!
And there in May, the lilac gasps for breath;
And mint and thyme seem fain their woes to speak,
Like saddest portraits, painted after death;
And spindling wall-flowers, in the choking reek,
For life, for life, uplift their branches weak.
Pale, dwindled lad, that on her slated shop
Sett'st moss and groundsel from the frosty lea!
O'er them no more the tiny wren shall hop;
Poor plants! poor child! I pity them, and thee!
Yet blame I not wise Mercy's high decree:
They fade, thou diest; but thou to live again,
To bloom in Heaven. And will thy flowers be there?
Heaven, without them, would smile, for thee, in vain.
Thither, poor boy, the primrose shall repair,
There violets breathe of England's dewy air,
And daisies speak of her, that dearest one,
Who then shall bend above thy early bier,
Mourning her feeble boy for ever gone,
Yet long to clasp his dust for ever here.
No, no, it shall not want or flower or tear!
In thy worn hand her sorrow will not fail
To place the winter rose, or wind-flower meek;
Then kiss thy marble smile, thy forehead pale,
But not the icy darkness from thy cheek;
Then gaze, then press her heart, that yet shall break;
And feebly sob, "My child! we part to meet!"'

vol. ii. pp. 17, 18.

Intense as are Elliott's feelings of the wrongs and sufferings of the many, there are times when his poetic yearnings after gentler themes will make themselves a voice in his song, and reveal the tendencies of his heart as they would have developed themselves in any condition but one which gave so painful a predominance to his sterner emotions.

'Oh that my poesy were like the child
That gathers daisies from the lap of May,
With prattle sweeter than the bloomy wild!
It then might teach poor wisdom to be gay
As flowers, and birds, and rivers, all at play,
And winds that make the voiceless clouds of morn
Harmonious. But distemper'd, if not mad,
I feed on Nature's bane, and mess with scorn.
I would not, could not, if I would, be glad,
But, like shade-loving plants, am happiest sad.
My heart, once soft as woman's tear, is gnarled
With gloating on the ills I cannot cure.'

vol. ii. pp. 47, 48.

The powerful pathos of the following ballad has rarely, if ever, been surpassed:

'THE DEATH FEAST.

'The birth-day, or the wedding-day,
Let happier mourners keep:
To death my festal vows I pay,
And try in vain to weep.

Some griefs the strongest soul might shake,
And I such griefs have had;
My brain is hot—but they mistake
Who deem that I am mad.

My father died, my mother died,
Four orphans poor were we;
My brother John work'd hard, and tried
To smile on Jane and me.

But work grew scarce, while bread grew dear,
And wages lessen'd too;
For Irish hordes were bidders here
Our half-paid work to do.

Yet still he strove with failing breath,
And sinking cheek, to save
Consumptive Jane from early death—
Then joined her in the grave.

His watery hand in mine I took,
And kiss'd him as he slept;
O still I see his dying look!
He tried to smile, and wept!

I bought his coffin with my bed,
My gown bought earth and prayer;
I pawn'd my mother's ring for bread,
I pawn'd my father's chair.

My Bible yet remains to sell,
And yet unsold shall be;
But language fails my woes to tell—
Even crumbs were scarce with me.

I sold poor Jane's grey linnet then,
It cost a groat a-year:
I sold John's hen, and miss'd the hen
When eggs were selling dear.

For autumn nights seem'd wintry cold,
While seldom blazed my fire,
And eight times eight no more I sold
When eggs were getting higher.

But still I glean the moor and heath;
I wash, they say, with skill;
And workhouse bread ne'er cross'd my teeth—
I trust it never will.

But when the day, on which John died,
Returns with all its gloom,
I seek kind friends, and beg, with pride,
A banquet for the tomb.

One friend, my brother James, at least,
Comes then with me to dine;
Let others keep the marriage-feast—
The funeral-feast is mine.

For then on him I fondly call,
And then he lives again!
To-morrow is our festival
Of death, and John, and Jane.

Even now, behold! they look on me,
Exulting from the skies,
While angels round them weep to see
The tears gush from their eyes!

I cannot weep—why can I not?
My tears refuse to flow:
My feet are cold, my brain is hot—
Is fever madness?—No.

Thou smilest, and in scorn; but thou—
Couldst thou forget the dead?
No common beggar curtsies now,
And begs for burial bread.'—

vol. i. pp. 64-66.

That such verses (and many more of similar quality might be cited) are produced and read—that they are truth, multitudinous and mighty truth, is indeed a 'sign of the times.' Nor does Elliott stand alone, the solitary priest of the people, with an unparticipated inspiration. There is a man who makes combs in Whitechapel (laugh if you like, but it is no joke), Browne by name, who will live as long as Churchill, and deserve his immortality better. His 'Mechanic's Saturday Night' and 'Saint Monday' are about to be linked together, made chain shot of, by a poem on 'Sunday' which will kill Sir Andrew Agnew. The last number of 'Tait's Magazine' gives some specimens of a volume of verses by a Lancashire weaver, which show no lack of soul. They have plenty of nerve, with very distinct indications of poetical and humorous appreciation. Like the compositions of Browne and Elliott, they are not only abundant in allusions to the class feelings of the poor, but pervaded by the spirit which the peculiarities of that condition generate. In sundry numbers of the 'Trades Union Gazette,' and not seldom in the 'Mechanic's Magazine,' there have been out-pourings of the spirit, which shewed that the many were about to speak with tongues of fire. Elliott may say with Wolsey—

> 'I do but walk the foremost in that file
> Where others tell steps with me.'

And truly their steps are telling ones. Let us make reflections thereon, as did the sage Mamres on the banks of the Nile, in the days of Nabuchodonosor, when the beast of burden became a god.

It is evidently unnecessary for Societies and Reviewers, and Diffusionists, and Philosophers, and all the rest of us, to talk about enlightening the operatives, and instructing the mass of the population. We may go to sleep, so far as that is concerned. They will not wait for our instructions. They will instruct themselves; and 'tis odds but they teach us something also. The 'great moral lessons' are not all learned yet. What with their suspicions and our inaptitude, we may as well give over adult school-keeping. The 'Diffusion' political economy, so well meant, and so clumsily executed, was alone enough to cut the connexion. 'Take yourselves out of the labour market,' said the philosophers. 'Take yourselves out of the rostrum,' replied the mechanics. They are self-sufficient; and until far other instructors appear than most of those who have yet manifested themselves, we cannot blame them for being so. Prophets are raised up to them 'of their brethren,' and why

should they listen to the voice of the stranger? Their souls have found congenial interpreters. The oracles of inspiration are uttered in their own language. Let them teach one another. They will get at truth all the sooner: alloyed perhaps at first with error, and discoloured by bitter indignation, but still truth. We confess ourselves doubtful of the fact, when Elliott tells us that 'there are many mechanics in Sheffield who can write better than the author of the Corn-Law Rhymes.' The men of all classes, in all Britain, who can do that, may be counted upon fingers. But there are mechanics everywhere who can read, and relish, and respond to them; and that is enough. We are quite satisfied with their not dancing to our piping, so that they will but caper to their own fiddling. *Ça ira.* Mutual instruction for ever.

And it is to such people that the law still refuses their legitimate and natural organs, viz. cheap newspapers. True, they have battled with the law, and beaten it; they have their unstamped press, and they will have it; but it is nothing like so good as it would be, in their own estimation as well as in ours, were the Taxes on Paper, and the Stamp Duties, repealed. What madness to make victims by hundreds in such a cause! There have been as many martyrs for a cheap Press as would have established a religion. Think of the monstrous anomaly of a class with a literature and without a newspaper; in a country where politics are most men's second thoughts, and many men's first thought. Poets among the poor, and knowledge taxed! 'O heaven and earth, but it is wondrous strange!' That weight should have been taken off the valve long ago.'

There is another vent, also, for this power, which must be provided. The operatives say that the property qualification for representatives *shall* be repealed. Sooner or later, probably in no long period, their words will assuredly come to pass. The qualification is now only one of the many practical falsehoods which our institutions are ever telling, and by which they do more to demoralise the community than can ever be counteracted by such religious instruction as they provide. If it keep out any one, the exclusion is really of his honesty, not of his poverty. To enforce it strictly, would, if practicable, be a remedy worse than the disease. The operatives will not be satisfied long, unless they have a legislative as well as a literary representation. They ought to have it. Not that we think their class prolific in mentally qualified legislators. But what class is? Clearly none of those from which legislators are actually provided. The 'appropriate intellectual aptitude,'

instead of being any where 'plenty as blackberries,' is every where rare as black swans. It will thrive in time, now that we have something like a soil for it; but the production will be slow. Meanwhile, a few operatives in the House of Commons would do that for their own class which is already done for other classes; they would give expression to its peculiar views, feelings, and interests, real or supposed. Their sturdy straightforwardness would be a check on the conventionalities and hypocrisies of 'honourable gentlemen.' They would mingle usefully with the other warring elements of the chaos out of which it is to be hoped that order will eventually arise. They would contribute towards the preparatory training through which we have to pass to arrive at the clear comprehension of representative government, and the right working of its pre-eminent facilities for securing and advancing the well-being of the community.

W. J. F.

Art. X.

THE BALLOT.—A DIALOGUE.

*Speakers:—a Farmer—a Schoolmaster—a Squire.**

FARMER.—You two are of opposite opinions, upon a subject in which I am interested. I wish to be in the right in my opinion; and you would do me the greatest favour if you would, each of you, state the reasons upon which his persuasion is grounded. When I have considered them together, I may, perhaps, discern which are the strongest.

SQUIRE.—Let us know the subject about which you are perplexed.

FAR.—The subject I mean is the ballot. You know I have recently had the power of voting for a member of parliament conferred upon me. But, as the tenant of another man, I am to such a degree dependent, that I must vote as he desires me.

SQ.—Why so? Why not maintain the spirit of an Englishman, and vote as your conscience directs you?

FAR.—It is easy, as I have often seen, for all of us to make light of another man's burdens. But, Sir, it is no small difference to such a man as me, whether he has the good, or the ill will of his landlord. In fact, the happiness or misery of his life may depend upon it. He may be forced from a spot on which he has planted himself, and from which he cannot be

* It will be perceived that this conversation took place shortly after the appearance, in the Edinburgh Review for January, 1833, of an article (ascribed to a distinguished member of the Whig party) containing a systematic attack upon the ballot; and was noted down by the schoolmaster at the time.

torn, without loss of property, and painful feelings, to any degree. Even if he is secured against removal, the state of a farmer, assured of all sorts of good offices from his landlord, and those about him, is very different from that of one assured of all sorts of ill offices from them.

SQ.—But a high-minded man will vindicate his liberty for all that.

SCHOOLMASTER.—You say right, Sir; and it is very desirable that there should be as many high-minded men as possible. That, however, is not the only question; and wise legislation takes care to embrace all the questions involved in the consideration of its measures. True, it is desirable that there should be high-minded men; but is it not desirable that your institutions should not be such as to punish men for their high-mindedness? Are such institutions calculated to encourage the growth of this desirable thing?

SQ.—But I desire to know how you make it out that our institutions punish high-mindedness.

SCH.—I think you will allow that the amount of evil just described to us by our friend the farmer, is no trifle.

SQ.—Certainly not; and I deplore it as much as you do.

SCH.—But a lot of evil attached to the doing of an act, is punishment for that act, is it not?

SQ.—No doubt.

SCH.—A lot of evil attached to the act of voting in a certain way is, therefore, punishment for that act?

SQ.—It is.

SCH.—The man who acts—that is, votes, in this particular way—in obedience, I mean, to his conscience, but disobedience to his landlord, performs the high-minded act you applaud?

SQ.—He does.

SCH.—And, when the lot of evil follows, he is punished for it?

SQ.—Yes.

SCH.—A line of acting, established by law, in a concern of the public, and for a public end, is an institution—is it not?

SQ.—It is.

SCH.—Here then is an institution which punishes the farmer, and the very large class of men placed in corresponding circumstances, for a high-minded act.

SQ.—I cannot deny that it is so.

SCH.—And you do not, I am sure, maintain that it is right?

SQ.—Far from it; but still it may be the least of two evils; and submission to it on that account may still be a duty.

SCH.—Is not this a supposition which may easily be made?

And does it deserve any regard, till that greater evil is pointed out, and its consequence, upon the removal of the less evil, proved to be inevitable?

SQ.—Certainly not.

SCH.—It is required of you, therefore, if you would entitle your position to any regard, to do both things—to show us the consequent evil, and to show that the consequence is certain.

SQ.—I do not think it will be difficult to comply with your conditions. In the first place, I think it can be shown that your plan for rescuing the high-minded voter from the punishment attached to his vote will be unavailing. I also think, if it were rendered availing, that the consequences of the remedy would be worse than the disease.

FAR.—Ay, now you are coming to that which I am impatient to hear—whether I can be delivered from my thraldom? And if not, why?

SCH.—Yes; you and I now wait for the reasons of the Squire; and, first, he has promised to inform us, why the ballot cannot afford you protection.

SQ.—You will acknowledge that the efficacy of the ballot depends upon the secrecy.

SCH.—True; because we consider the ballot a short name for secret voting.

SQ.—But the ballot will be ineffectual for secrecy; because the same power which would compel the man, voting openly, to vote against his inclination, will compel him to tell how he has voted.

SCH,—Oh, no; it may compel him to *say* how he has voted, not to tell. That is a very different thing; and whether he says, or tells, his compeller can never know.

SQ.—Cannot he make him, in the very act of voting, show how he votes?

SCH.—No; there is an effectual mode of preventing that.

SQ.—How?

SCH.—The voter may vote in a place where there are no witnesses, and in a way in which it can be known to no creature but himself how he has voted.

SQ.—I do not understand your plan. Explain it more particularly.

SCH.—May not the voter be admitted into a room, where he can be seen by nobody?

SQ.—Certainly he may.

SCH.—In that room there may be receptacles for the voting-balls or tickets intended for each of the candidates. Into

which of these receptacles the voter has put his balls or tickets is utterly unknown, except to himself.

Sq.—That, it appears, I must admit; but the compulsion to tell how he has voted may still be exercised.

Sch.—What you mean is, that the man who has power over him may ask him how he has voted, and will punish him if he do not say that he has voted as he bid him.

Sq.—Yes, that is what I mean.

Sch.—Let us suppose that he does so; and what then? The voter either tells him the truth, or he does not. What is he benefited? He knows no more how the man has voted, in consequence of what he has told him, than what the emperor of China dreamt last night.

Sq.—But still he knows, if the man has not voted as he bid him, the man has lied.

Sch.—And pray, Sir, who is the cause of that lie? to whom of course the criminality of it ought to be imputed. But this part of the question—the collateral effects of the ballot—we had better, I think, consider afterwards, when we have first determined whether it will, or will not, afford a remedy for the evil against which we desire to provide it: in short, whether it will protect the voter from that process we have just described, of compelling a voter to vote dishonestly.

Sq.—True, Sir, if it is not a remedy which will answer its end, it is needless to discuss its other properties, since it will not be desired.

Sch.—You have admitted, I think, that the act of voting may be rendered perfectly secret; and also that, though the voter may say he has voted as his master has ordered, his master is not, by that circumstance, one jot the nearer a knowledge of how he has voted. His vote is still a secret to his master—and so, unless there are other circumstances to reveal it, must it ever remain.

Sq.—I find myself constrained to allow that.

Sch.—And so will all fair controvertists. The question, then, is, are there other circumstances to reveal it?

Sq.—Yes; there is an article just published in the 'Edinburgh Review,' and said to come from a high quarter, which affirms that there are undoubted means of discovery.

Sch.—Well, Sir, what are they?

Sq.—The Reviewer says, that the voter's general opinions are always known, from which his mode of voting will be inferred.

Sch.—That is one circumstance: is there any other?

Sq.—Let me think. It did appear to me, when I read the

article, that there was a list of them; but I confess I cannot recollect another.

Sch.—There is no other; though, as you say, the language used in the article implies that the assertion is well supported.

Sq.—Do you mean to say, then, that I have been deceived by language either wholly or partially begging the question?

Sch.—You compel me to smile. Do you not know that this is the master-piece of the rhetorical art? This circumstance, however,—this something, which is, by its sole operation, to discover the vote of the dependent, must be examined; that we may, of our own knowledge, not from the assertion of the reviewer, judge what it can, and what it cannot, make known.

Sq.—That I join with you in desiring.

Sch.—Let us suppose the case of our friend, the Farmer here, and his landlord. The Farmer is a known reformer. His landlord is an enemy of reform. Let the candidates be two—one a reformer, another an enemy of all reform. How does the landlord proceed? He denounces vengeance against those of his tenants who do not vote for his friend; and he will, says the 'Edinburgh Review,' go upon the rule, that all his tenants who are reformers will vote against him.

Far.—But pray, gentlemen, consider a little in what condition I am to be placed by the operation of such a rule.

Sch.—What is it you apprehend?

Far.—The consequence will be the same to me, whether I vote with my landlord, or against him: in either case he will conclude that I have voted against him. But if I shall be concluded to have voted agreeably to my own sentiments, whether I have done so or not, what you have justly called the punishment of my vote will fall upon me, do what I will. Of course I shall, in these circumstances, give the vote which pleases myself, and my landlord makes my opposition to him sure. I am punished, but my landlord is disappointed.

Sq.—That consequence is very clear; and the writer in the 'Edinburgh Review' has anticipated the objection. He says, that such of their tenants as have sentiments they consider opposed to the vote they desire, the landlord will keep from voting at all.

Sch.—I see that the writer in the 'Edinburgh Review' lays great stress upon the exercise of this forbidding power possessed by the landlords. It is necessary, therefore, to consider carefully both what it implies, and what it can accomplish. One thing which it implies deserves to be accurately noted: it is no less than the important point, which not a few have had the boldness to deny, that for the purpose of secrecy the ballot is perfectly

efficient. It is only because the landlord cannot know how his tenant will vote, that he deprives himself of his vote, of course fearing that it will be given against him; for if he had the means of knowing the vote, the same force which enables him to keep his tenant from voting, would enable him to make him vote as he pleased.

SQ.—I do not see how that can be disputed. There would be no motive for making a voter stay away, if you knew and could command his vote if he went.

SCH.—We are then to consider this as a conceded and established point, that the motive to keep dependents from voting arises entirely from the perfect secrecy of the vote.

Another thing which this argument implies is, an assurance that the power which great men possess to prevent the exercise of free voting will be generally used. This only deserves remark, as an instance of the inconsistencies in which the gentlemen of counsel against the ballot are involved. When the purpose is, to deny that there is any occasion for the ballot, it is commonly assumed, that gentlemen will not use their powers of coercion, but generously indulge their dependents in voting as they please; and we are called upon somewhat imperiously to wait, before calling for the ballot, till we see what their behaviour is. When the occasion, however, comes to maintain the inefficacy of the ballot, let the need for it be what it may, we are then told, with the loudest voice, that every man who has the power will exert it, even to the utmost: no mention now of the propriety of waiting, to see whether men grasping at political power will avail themselves of all their advantages for attaining it. Can the men who thus profess contradictory opinions upon the same subject—one opinion to-day, another to-morrow, as it suits their purposes—call upon us for belief in their sincerity?

SQ.—I object to this inference; and I think that candour should have restrained you from expressing it. I allow the contradiction; but I can declare that till now I was not aware of it; and held both opinions in sincerity—both that it was doubtful whether the conduct of men of local influence would be such as to call for the ballot, and certain that they would exert themselves to defeat the ballot.

SCH.—I am grateful for your rebuke, and feel its justice. I ought to have made more allowance for the oversights into which we are all apt to be led by the heat of controversy. You will, however, allow that those people who refute themselves—that is, who hold two opinions, the one of which destroys the other—are either somewhat careless in scanning their opinions, or not very capable of that most important intellectual process.

Sq.—You now charge the deficiency to the proper account—to the intellectual, not to the moral part of the offender; but I think that you are still guilty of an overcharge; it being, in my opinion, not very difficult for a man even of good intellect to overlook a contradiction or two in a number of allegations upon a complicated subject.

Sch.—You will allow, however, that to make this apology available, the party must not persevere in his self-contradiction. If he does, it not merely argues, it proves, a sad deficiency in him somewhere. But this is leading us from the question. We have to inquire what the power of a great man, or combination of great men, in forbidding their dependents to vote, can do for them? If it should appear that it must be altogether inefficient for the attainment of their ends, do you think that it will then be a good argument against the ballot?

Sq.—Certainly not; but I go upon the supposition that it will be efficient; and then I think it a good argument.

Sch.—First of all, does it not deserve some consideration, what appearance it will have to the public, and what conclusions it will suggest, if it shall be demonstrated, by notorious facts, that a great proportion of the Englishmen to whom the law gives the right of voting are debarred from the exercise of that right, because they hold such and such opinions? Is that a state of things which could continue to exist?

Sq.—I do not think that it could.

Sch.—Is it not, therefore, either puerile or unfair to produce, as an objection to the ballot, a state of things which cannot exist?

Sq.—I see that the argument would be of very little avail, if you can show how the evil is to be remedied.

Sch.—You have allowed that it is a state of things, the permanence of which is not to be supposed—that it would certainly be put an end to.

Sq.—I think it would.

Sch.—Whether it be put an end to by what you would call a remedy, or a disease, does not affect the argument. A state of things which cannot exist cannot be urged as an objection to the ballot.

Sq.—Yes, if getting rid of it would only introduce a greater evil.

Sch.—That greater evil, then, would be the real objection, and should alone be urged. What is this evil?

Sq.—That is what we have now, I think, to inquire. For my part, I do not see my way out of the difficulty. The 'Edinburgh Review' seems to think that no enactment of the legislature will

be sufficient to deprive great landlords of the power of preventing their tenants and tradesmen from voting.

SCH.—You are willing, then, to go with me into a close inspection of the subject?

SQ.—Most willing.

SCH.—There is one mode of delivery from the irrational and unseemly spectacle of a power conferred by the will of the community, through its supreme organ, on a portion of the community, and that power taken away, that is, the law broken and frustrated, by the will of certain individuals: namely, by repealing the law, taking away that power, which the will of individuals, too powerful for the law, renders nominal.

SQ.—Do you mean, that all that description of voters whom the landlords would withhold from voting should be deprived of their votes?

SCH.—Yes.

SQ.—And have you considered that this would be to select out of the most numerous class of voters—namely, the poorest class—all those who hold sentiments favourable to reform—that is, the far greater proportion—and to deprive them of the power of voting, on the sole ground of their holding reform sentiments? Why, that would be to make a fundamental law of the state, for the express purpose of preventing reform for ever after.

SCH.—It would be so.

SQ.—And do you think that such a proposition would ever be listened to?

SCH.—I do not; and therefore I think we may leave that proposition, as one sure not to be acted upon. But then, if we are to have these men with their votes, what are we to do for them? We see what the difficulty with them arises from: the source of it is, the power which certain men have over them. We must, then, work upon that power. Is there no means by which this power can be prevented from operating to the defeat of a fundamental end and purpose of the state?

SQ.—The 'Edinburgh Review' seems to think not. Are you of a different opinion?

SCH.—I am of opinion that the writer in the 'Edinburgh Review' did not very deliberately weigh the consequence of his opinion; which is only this, that the existence of large properties must be destroyed, and prohibited for ever.

SQ.—How say you? That, a consequence of the reviewer's opinion?

SCH.—You cannot doubt it. The votes of these men are, by the supposition, necessary to good government. Such is the opinion of the legislature, and of the community, who gave

them their votes. The power of the landlords destroys this essential condition of good government. Good government and the power of the landlords cannot exist together, if the opinion of the reviewer is true. What the community have then to determine is, which is best for them, that they should have good government without great landlords, or bad government with them.

Sq.—That is not a question which we can suppose they will be long in determining. But what would you do in that case?

Sch.—The proper course is easy to be seen. As their power arises from the greatness of their properties, all great properties must be broken down into small ones; distributed, if you will, to the next of kin of the original owners.

Sq.—I am staggered with this objection, and astonished that the writer in the 'Edinburgh Review' did not see what his doctrine would lead to. It is no light matter to hold up, from such a quarter, a representation, from which it may be legitimately inferred, that the existence of large properties in a certain number of hands is utterly incompatible with the existence of good government. Let us, however, see whether he has not a defence. We remember that he is arguing against the ballot; and may he not say, that though you prove such and such consequences will flow from your endeavours to protect the ballot, such consequences cannot be pleaded against him because he wishes not to have the ballot?

Sch.—It is only necessary to call to recollection the course of the preceding argument, to see how untenable is that plea.

Sq.—Let us observe.

Sch.—From the very proper terms in which the reviewer spoke, in the early part of the review, of the success with which the votes of individuals had been interfered with, both by reward and intimidation—both by money in hand and loss in prospect, it is clearly his opinion, that such interference (I mean to any considerable extent) is incompatible with good government. The same, undoubtedly, is the sole basis on which, in reason, the late reform can be defended; the object of which was by Lord Grey declared, in a pointed and admirably-chosen expression, to be representation—not nomination: meaning, by nomination, command of votes, either by bribery or intimidation. This, to be sure, is a ground which an opponent of the reform bill may reject; but it can never be renounced by any of its supporters, least of all by the 'Edinburgh Review.' The next point of admission on the part of the reviewer is, that the great proprietors have the power, and will have the will, to exercise both bribery and intimidation: so far, we agree with

him. He says, it is not in the power of legislation to prevent them. By way of parenthesis, we should then ask him, what was the use of last year's reform? But to pass that, we meet him here, and we say that the ballot would prevent them. This he denies, and skilfully states a train of reasons, such as they are, to show us we are deluded. Now, then, let us observe the upshot of our opposite reasonings. About the cause of the evil we are both agreed: it is the power—that is, the great properties—of the landlords. We say that the ballot will prevent the noxious exercise of this power; the reviewer denies that it will. But an efficient barrier against the introduction of good government must be removed. What follows I need not desire you to say. The question clearly is—ballot, or the destruction of large properties. If the ballot is sufficient to protect voting, as I believe it is, leave property to its natural course of accumulation or dispersion; if the ballot is not sufficient, the power of commanding votes must be taken away. For it is useless to mince the matter: good government we will not consent to be without. If the opposers of the ballot prove to us that with the existence of large estates we cannot have good government—in other words, pure representation—why then large estates must be abolished; the alternative is clear.

Sq.—The impression made upon me by your reasoning is complex, and somewhat difficult to describe. I cannot easily reconcile myself to your conclusion; and yet if it were proved to the community that they cannot have the benefit of genuine representation, that is, cannot have good government, while the property of the country is placed in great masses in particular hands, nobody can overlook the consequence. The community will assuredly come to the resolution of breaking up these masses, and making all properties small. Nor can anybody deny that they will have reason for such a proceeding. But still are you not alarmed at the idea of such a state of things?

Scu.—I know not what great evils I should apprehend from it. The moment of any considerable change is always ticklish. But I do not see why a community, in which there are a great many small properties, and none very large, should not be a very happy community. Many things might be said in praise of such a state of society, if it were now the object to recommend it. At present, however, I have no such design, because I think the ballot an antidote against the noxious exercise of the power of the rich; and if so, I desire not to meddle with their property. When it ceases to be hurtful, it ceases to be obnoxious to me.

Sq.—But how are you to get over the objection, that voters may be forbidden to vote?

SCH.—That must be examined. The objection is given in broad, general terms, which afford no distinct ideas, and only leave behind them an impression that there is something of importance under them. Impressions of this sort are always a legitimate object of distrust, till the causes of them are minutely examined. Let us put before ourselves the circumstances, the combination of which, we are told, will defeat the ballot.

FAR.—That part of the inquiry comes home to me. I am eager to learn what protection can be afforded to the men of my class.

SCH.—I wish to simplify the state of the question as much as possible. I shall suppose, therefore, that the distinction is solely that of reformer, and no reformer: the landlords forbidding the reformers to vote, and compelling the anti-reformers to do so. If they can do this, anti-reform candidates will alone be chosen.

We must bear in mind that the objection we are endeavouring to obviate supposes, that the majority of the farmers composing this or that constituency are reformers. If the majority were anti-reformers, the anti-reforming candidate would be chosen without the intimidation process of the landlords.

Now then, let us observe the natural working of this state of things. The landlords, says the objection, order the majority of their tenants to abstain from voting.

First of all, how are they to select their men? How do they know who are the reformers, who the anti-reformers? The answer must be, by their talk. The men who are known to hold anti-reform talk will be sent; those who hold the language of reformers will be kept away.

Talk then is the criterion; but talk is fallacious. The men who are the least likely to hold themselves bound by any promise to a landlord which they can break with impunity are precisely the men who are most likely to deceive him by holding language which he may hear of, though it be not the language of their thoughts. He may, upon this evidence, be sending men to the poll, the majority of whom will vote against him. That this is a probable result, is proved by this fact, that when there is a majority of farmers warm in a particular opinion, it is always a very large majority; as a body they think according to one another; those among them who stand by themselves in an opinion are always a small number.

So much for the success of the anti-reform expedient with those who are sent to the poll. In the meantime, what are the thoughts of those who are forbidden to poll? They know by being forbidden that they are marked men in the minds of their landlords. They are also men who have little regarded this

circumstance, since it has not hindered them from speaking their minds. Are they not men, therefore, who may go a step further, and ask themselves what other danger they are to undergo, if they disobey their landlord and vote in spite of his prohibition? Remember that they are the majority. There is no danger that the landlords will turn off the majority of their tenants. A general resolution, then, among the reforming tenants, to disregard the interdiction, would leave the landlords without a resource. The landlords are now in a situation in which the loss of a single tenant is no trifle; that of a great number a calamity. The landlords have already proceeded so far in misconduct to their tenants, that they have deterred the resort of capital to their land. Can they forbear to see how much it is their interest to encourage, to induce, men of property, and men of intellect, to become their tenants? But can they hope to have such men for tenants, if they are not to be as independent and free, in their thoughts, words, and actions, as their landlords themselves? To have a servile, mean-spirited tenantry, they must have a starving, poverty-stricken tenantry, and not half a rent. Nothing is more obviously the interest of the owners of the land, than to have an opulent tenantry. But a tenantry, independent in their circumstances, will also be independent in mind, and hold in scorn a landlord who should presume to interfere with their votes.

FAR.—You have delighted me by this last exposition. I see that we have not much to fear from the expedient of the landlords forbidding us to vote.

SQ.—I do think that this objection is answered. Not only is the state of things which it implies so revolting, that no man can suppose it would be tolerated; but if it were tolerated, we thus see that the landlords would be the sufferers. Still it appears to me that the question is not decided; the remaining arguments of the reviewer render the utility of the ballot more than doubtful.

SCH.—You remember that we are still considering the ballot with regard to one part of its effects, its efficacy, or inefficacy, to protect the voter from punishment for an honest vote. If it produces ill effects of any other sort to counterbalance this effect, this is to be another inquiry. Therefore, we had better not as yet use the word utility in the discussion, as it may lead our thoughts to the result of both inquiries, when we ought to be thinking only of one.

SQ.—Agreed. The next of the reviewer's objections to the efficacy of the ballot, is, if I remember, drawn from the hourly returns made under the present system of polling. The men

who vote within a certain hour, are so many. Their names are all known, and not so many as not to afford good ground of conjecturing who has voted one way and who another.

Sch.—This is one of the modes, in which, according to the reviewer, the ballot will be defeated; and it is surprising that he should have committed so great an oversight. The hourly returns are an incident of open voting, and would be thoroughly excluded from secret voting. The balloting boxes would remain securely locked till the end of the poll, and the final return, that is the only one, would tell nothing but the numbers.

Sq.—The reviewer, however, urges, and I think with reason, that the man of power would possess effectual means of intimidation, even if secrecy were fully secured by the ballot.

Far.—Indeed! how does he make that appear?

Sq.—He says, that he would select certain victims, inflicting a blow on one farmer which would strike terror into all the rest.

Sch.—Let us take the facts as he would have us understand them. Let us suppose the anti-reforming landlords defeated; and that each of them has made his number of victims; that they have struck all the terror they can, and that a new election arrives. In what manner will each voter reason with himself? If the election goes against my landlord, says the man, some one in ten or twenty of us will be turned out. That to me would be a great calamity. How am I to conduct myself? Go, and vote for my landlord? That will not save me; because he may still suppose that I have voted against him. Shall I make great displays of zeal for his cause? He may still suppose that these are only a colour to disguise my opposition. I have no better chance if I vote for him than against him; then why should I not vote as I please? And after all, it is ten to one, or twenty to one, if any harm comes to me.—Is not this a very natural course of reasoning? And does not the reviewer, in his zeal to make out a case, invert a known law of human nature?

Sq.—To what law do you allude?

Sch.—That by which we over-rate the chances of good fortune; under-rate those of evil. Instead of seeing that every man, under the operation of this law, would believe, to a degree far beyond the actual probabilities of the case, that he would not be the victim, but escape safe, he would have us believe the contrary, that every man would look upon himself as the victim: as if it were the fact that every soldier, on going into a battle, believed that he was one of the men to fall: as if the direct contrary were not perfectly ascertained; and that the bravery of the mass of all armies depends upon that common illusion. Trust me, Sir, the selection of victims would not answer the

intimidator's purpose; and, accordingly, the reviewer, as if he saw that it would not, concludes, at last, that it would only operate with the voter as a motive to abstain from voting. But I am not much afraid of those who abstain from voting. The man who has courage to disregard the bidding of his landlord, will not be long without the courage to disregard his forbidding.

Sq.—You dispose, Sir, of the objections of the reviewer, so easily, that I cannot but think there is more in them than your mode of showing them up permits to appear; though I do not find myself prepared to say what it is.

Sch.—I perfectly understand the state of your mind. You are under the influence of habit, which all at once is never overcome. Your habit has been to suppose that there was something strong in those objections, without seeking to know distinctly what it was: and when it comes unexpectedly to be shown to you, that there is nothing strong in them, you cannot resist the reasoning, but the habit remains, and still produces a hankering to believe, what yet you have seen ought not to be believed.

Sq.—This certainly does look like a description of what I feel.

Sch.—In considering the effects which would be produced by any device of the great proprietors to reap the benefits of intimidation under the ballot, one of them is never to be forgotten: the situation in which it would place the intimidators among their fellow-countrymen. Suppose the owners of large properties to be guilty of some signal act of oppression (it must be severe to produce its effect) upon a proportion, say a tenth, or even a twentieth of their tenants, selected by caprice, and without evidence even of the honourable act of which they are condemned; would not the indignation of the community be excited? Would not such men be regarded as the sworn enemies of their fellow-citizens? Could men the object of such feelings, in such a country as this, be long suffered to hold the power of which they make so offensive a use?

Sq.—I think, indeed, it is a state of things which would not last. But there is still an allegation more of the reviewer, to show that intimidation would exist in spite of the ballot. He says, that the ballot could only be effectual in a country where all the people were for it. If not, the people who despise secrecy would make an ostentatious parade of their mode of voting, and would thus reveal the secret of those who wish their votes to be concealed.

Sch.—I think that this is the same objection, only in a new shape, which we have had before, and have disposed of. We be-

gan with supposing that there would be people who would declare beforehand their resolution of voting in a particular way; and would say afterwards that they had so voted. But we showed how these declarations of theirs could be rendered void, incapable absolutely of giving information, and of no more effect than so many inarticulate sounds. The reviewer supposes that these declarations would be accompanied with gaudy shews; with ribbons, and colours, and marrow-bones and cleavers. But what is all this to the purpose? Is it anything but profession still? and a noisy, or glaring profession, is just as likely to be false as a quieter one.

I think we have now gone through the reviewer's budget of devices, by which the man of large property will, he thinks, in spite of the ballot, command votes by intimidation: and I think we have ascertained that they are impotent every one; that the ballot may be looked to, not only as a great security, but as a security to this purpose wanting little of perfection. The reviewer, however thinks, that not only great men, but little men, may intimidate; and it is fit we should consider what we have to apprehend from that source likewise.

Sq.—I remember what you allude to. He says, that in towns (he confines the operation of this infirmity of the ballot to towns) combinations of the people, as by political unions, may be able to operate irresistibly on the fears of electors.

Sch.—How can that be if the voting is secret? Combinations only threaten evil to those who vote against them; but when voting is secret, they do not know who votes for, or who votes against them.

Sq.—The reviewer supposes that they will judge by the result.

Sch.—Be it so. But what does the result teach them? Only that such a number voted on the one side, such a number on the other.

Sq.—But what if they are exasperated with the result, and desire to take vengeance?

Sch.—Vague anticipations of evil from a source which offers specific good, never weigh much with any reasonable men. Let us inquire what this decree of vengeance is to do. It is not to be supposed that the combinations in question act like madmen, and run a-muck at electors indiscriminately. Their vengeance will point only at those who have opposed them. But who has opposed them? That is buried in impenetrable darkness. Next it is to be supposed that these combiners are under the coercion of the law; and that even the individuals at whom their vengeance is pointed are safe from all violence: the combiners will

only divert their custom from them. But why withdraw custom from one man more than another, when you cannot know tha any man rather than another has voted contrary to your wish?

Sq.—It appears then to be your opinion that the ballot would be a security against intimidation?

Sch.—If you have nothing further to advance against that conclusion. For I think we have sufficiently shown, that the causes which, according to you and the writer in the 'Edinburgh Review,' would obstruct the salutary operation of the ballot, are all of them inefficient; in fact, powerless to that mischievous end. Secrecy of voting, in the first place, which you said was not to be effected, has appeared to be the easiest thing in the world; secrecy so perfect, that not any declaration of the voter himself can by possibility disclose it. Next, the knowledge of an elector's general opinions, we have seen, affords no effective means to the landlord. His order to stay away will assuredly be disregarded, because he has no means of punishing the breach of it; and if his vengeance after defeat strikes at a few victims, the intimidation is inadequate, and the disrepute extreme; the loss of political consequence greater than the increase of it which he aims at, and aims in vain. As for the approximation to a knowledge of the votes by the hourly returns, we take away the hourly returns; and the vengeance of clubs and combinations of the most numerous class of the people, is clearly and most indisputably precluded by the secrecy. I think, therefore, we may affirm with assurance, that the power of intimidation is taken away by the ballot, and that the independence of voters would be secured by it.

Sq.—I am obliged to confess that the resources of the intimidator, under the operation of the ballot, appear, from what you have said, to be very weak in comparison with what I have been accustomed to suppose, and with what they are given out to be by the writer in the 'Edinburgh Review;' who, I suppose, has written under that same hankering, which you ascribed to me, a hankering to believe—as he has been in the habit of believing—that the means of eluding the ballot are strong.

Sch.—I have no doubt of it. But then he is a man who has the tutelary habit in such perfection, if the same who is commonly alluded to, I mean the habit of obeying the stronger evidence when it is found to bear even upon a fostered opinion, that he will soon get the better of the hankering.

Sq.—The good effects of the ballot, that is, honest voting, may be nullified by two means, either by intimidation, or bribery: the latter we have not yet considered. But I see the writer in the 'Edinburgh Review' lays great stress upon it in

proof of his first position, that the ballot is an institution feeble, or rather impotent, to the production of good.

SCH.—He does lay stress upon it, but in the way of rhetoric rather than argument. What he says is in truth an argument, not against the ballot, but against small constituencies, which his argument proves ought not to exist. In that conclusion I agree with him; if an imperfection of this kind is found in the constituency created by the Reform Bill, it must be, and that speedily, amended. There is no doubt that you may have a constituency so small as to destroy the influence of the ballot; but it is obvious, on the slightest reflection, that all the means alleged by the reviewer of gaining anything by bribery under the ballot, confine themselves to small constituencies, and can have no operation in large ones.

First, bribing voters to stay away, is only resorted to at the end of a hard contest, when it is known that a few votes more or less will decide the question; and when it is worth a man's while to bribe highly. But take the state of things which ought to be made to exist,—a large constituency, and, from the beginning to the end, absolute ignorance of the state of the poll; who, in that case, can tell whether bribing one hundred or two hundred will be of any use? And who will throw away his money for such uncertainty? The absurdity of the supposition is enough.

The next allegation is, that the bribe may depend upon success. A sum of money may be promised to the electors if such a man is returned.

It is almost too obvious to need being remarked, that this expedient would be successful only with a small constituency. A candidate may be supposed to offer a sum which would be an object to each of two hundred or three hundred men, 10*l.* a man, perhaps; but who could offer what would be efficient among five thousand? Why 2*l.* per man would be 10,000*l.* And then, which is a sufficient answer to this allegation, how would an act of such publicity lie concealed, and go unpunished?

But, if it thus appears, as to me it does incontrovertibly, that there is nothing in the allegations which are brought to controvert the efficacy of the ballot in securing freedom of voting, we may consider the first question as decided, and may affirm that the ballot is calculated to produce all the good effects which its advocates expect from it.

SQ.—Be it so, at least for the present; for I am not prepared to dispute your conclusions. But another inquiry remains,—namely, what are the ill effects which it produces?

Sch.—True; and the writer in the 'Edinburgh Review' has very justly observed, that the ultimate decision for or against the ballot, as an institution, must turn upon the balance of its good and evil effects. The ballot implies a power on the part of the voter to protect himself by saying one thing and doing another, and the use of this power as often as necessary. In this, as far as I can perceive, is included the whole of the evil which the writer in the 'Edinburgh Review' ascribes to the ballot; for he expressly rejects the arguments which have been vented by the petty advocates, telling us that speaking out is a good thing, not speaking out is a bad thing; that speaking out is English, not speaking out is un-English; and other childishness of the like sort.

Sq.—It would have been unworthy of the writer not to see that such allegations prove nothing, that speaking out, and not speaking out, are good or evil, as the case may be. But the deterioration of the moral character produced by a habit of lying, is an evil of such magnitude, that I cannot easily form the idea of any consequent good which would be an equivalent for it.

Sch.—The balance, as you and I have already agreed, should be accurately struck. But for this purpose is it not true, that the items on both sides of the account should be accurately examined?

Sq.—To that there is no man but must assent.

Sch.—What I complain of in the mode of proceeding of those who range themselves as enemies of the ballot is, that they have always evaded this examination. And this has struck me as a proof either of their rashness in taking upon them to settle an account which they have not examined; or the poverty of thought which they brought to the decision, if they were not aware that the examination was necessary.

Sq.—But what do you mean by saying that they have evaded the examination? Does not the article in the 'Edinburgh Review' before us, present an appalling catalogue of the consequences of the mendacity produced by the ballot?

Sch.—It does; but does an appalling catalogue come up to your idea of an examined catalogue? And if it does, what do you say to the other side of the account? The balance is ascertained by comparison of the two. It is very true that the writer in the 'Edinburgh Review' began by an endeavour to show that the ballot would leave the voter as much liable as before to vote under compulsion. Had his argument to that effect been conclusive, the controversy was at an end. If the ballot could do no good, the smallest portion of evil on the other side would

turn the balance against it. But we have seen that to this end his argument totally failed. At least, though I am not perfectly sure that you rely on the new conviction which you found you could not resist, you could find nothing in reason with which to oppose it.

Sq.—That I must confess.

Sch.—It is, therefore, incumbent upon you to take into account all the good which may appear to be the consequence of voting free from compulsion.

Sq.—Suppose we do so; will not your complaint against the opposers of the ballot then be limited to this omission?

Sch.—If it were, it would still be a very heavy complaint. What sort of judges can they be deemed who leave entirely out of their consideration the evidence on one side of the case?

Sq.—When viewed in that light it does seem a serious charge.

Sch.—And this is by no means the whole of the charge which I bring against them. They behave as ill with regard to their own as their adversaries' side of the account.

Sq.—How do you mean?

Sch.—They give us rhetoric instead of computation.

Sq.—You must speak plainer.

Sch.—Observe what they do, and then say if it is not so.

Sq.—I am attentive.

Sch.—To form a just estimate of the immorality really belonging to the protective lie of the ballot, it is necessary to submit the act to a minute examination; to ascertain its properties with exactness, and determine what consequences these properties imply. Have the lie-abhorrers done this? Instead of it, they have given us a flashy picture, every feature distorted, nothing seen distinctly, and all covered over with a thick varnish of glaring colours. The object has been, not to do any thing for the understanding, but to make up a phantom hideous enough for the imagination. This might be all very well for a debating club, for a contest of rhetoricians, a game at oratory, or for a set of partisans who want not to enlighten but mislead. Legislators whose object is truth and the public good should proceed in a different manner.

Sq.—Your complaint is too much in generals; I wish you to present the particulars of it.

Sch.—I confess it is very inconsistent in me, complaining of others for their generals, to keep to them improperly myself. But I wished, not to be tedious; and therefore that my exposition should not be more minute than the necessity of the case seemed to require. Perhaps this further development will satisfy you.

Sq.—I am desirous to hear it.

Sch.—I have already said enough, or nearly so, to determine what a man imbued truly with the spirit of legislation would do. He would examine deliberately that case of mendacity the possibility of which the ballot supposes, and he would fix its proper place in the scale of demerit; that done, he would consider and ascertain what are the ill consequences inseparable from such an act, and would fix their respective places in the same scale; the only mode of proceeding by which an accurate statement of the amount of actual evil could be given.

Sq.—I now understand more distinctly the operations you would have performed.

Sch.—Instead of this, what have our objectors done? Their business has been to select the most hideous images connected with mendacity in its worst forms, to put as many of them as possible into a great aggregate, presenting no distinct ideas to the understanding, but a horrible image to the imagination, the more horrible because obscure; like Milton's devil, which shape had none, distinguishable in member, joint, or limb; and could be called neither substance nor shadow, for each seemed either.

Sq.—I willingly allow that this is not a mode of proceeding by which legislators should lay the foundation of great measures. Whether you are right in laying the charge so heavily upon the oppugners of the ballot in the legislature, I have not the particulars of their conduct so fully in my recollection as to be able to say. But that is a question the determination of which does not press. The point of importance is to ascertain, by strict investigation, what the evil accruing from this source really amounts to. This, I fear, that my friends of the no-ballot cry have left undone. But that only renders me so much the more impatient to have this great service to the cause of truth and good government rendered by you.

Sch.—Do not say rendered by me; for how can you expect from me what those great men have left in despair?—I say despair, because I cannot find any other apology so honourable to them. However, if you consent to join with me in the inquiry, we can enter upon it, and may at any rate proceed so far—possibly far enough to find the means of a certain degree of satisfaction to ourselves.

Sq.—Agreed.

Sch.—I presume we may go upon the assumption that there are lies—if, to please the men of the no-ballot cry, we must call every expression which corresponds not with the matter of fact by that opprobrious name—of all degrees of criminality, from

the very highest to the lowest; some of no criminality at all; some absolutely meritorious.

Sq.—I doubt whether I can go along with you to the full extent of this proposition. I see very well that there are degrees of criminality in lies; that a lie, for example, by a witness in a court of justice, intended to take away the reputation, life, or fortune of an innocent man, is a much more atrocious crime than to make your servant exclude your visitor by a lie at your door. But I am not willing to allow that there are any innocent lies; for I do not call any thing a lie which is not meant to deceive. And whatever is done by a lie had better surely be done without it.

Sch.—If it can. But what if it cannot? Will you venture to say that there is nothing—there can be nothing—which had better be obtained than not, if it cannot be obtained unless a lie be told for it?

Sq.—I cannot say that; because a number of cases immediately occur to me in which the attaining of certain ends by lying is accounted perfectly laudable; the stratagems of war, for example; the deceptions often usefully employed by medical men; those practised, when necessary, towards madmen; or even those by which violators of the laws are obstructed in the pursuit of their wicked designs.

Sch.—You need not limit yourself to those instances. You can produce many more. Is it not reckoned perfectly honourable in a lawyer to do everything he can for his client; to use very gross acts of deception, not only by perverting facts, by making those appear to be no facts which really are, if by false glosses, and confusing the witnesses, it is in his power to do so, but making use, without scruple, of evidence which he himself knows to be false, making out, as proved, matters of fact, which never, he knows, had existence. Observe what the law itself and the judges do. The very instruments which they proceed upon and demand as the foundation of their acts, writs, bills, pleadings, are all full of notorious and ridiculous lies. They go further than that. They make no scruple to extort lies, aggravated by the violation of an oath. Though it is perfectly certain that twelve men cannot always agree upon a particular point, they compel every jury to declare, upon oath, that they have agreed. Though the value of a property stolen may be well known to be many pounds, they direct jurymen to declare, upon their oaths, that it is of another and far inferior value. And that without any blame imputed to either party.

Sq.—That is so; but it is necessary to inquire into the meaning of all this. It is all done for the attainment of an important end.

Sch.—It professes to be so; and it is under the belief that it is so, that it passes without condemnation. But here we come to the difficulty which you said arrested your progress. Why is any thing we do done with a lie?

Sq.—I see to what my own admissions have drawn me. I am no longer at liberty to say that a lie should not be told for the attainment of good.

Sch.—Provided it cannot be attained without the lie; and provided it is a good which deserves to be purchased at such a price; for it is never to be forgotten that the rule of sincerity is of so much importance in human life, that a violation of it is always an undesirable means. And the levity with which it is set aside in modern manners is no slight imputation on the morality of our times. To such a degree is the observation of truth held unnecessary, that a great part of the business of ordinary life is performed by the violation of it, not as a necessary, but a convenient, means. There cannot be a more striking example than the established expedient for declining to admit a visitor, by telling a lie at the door. How much of what is called good manners is grounded upon simulation, both by words and deportment indicating matters of fact which have no existence? The very terms of salutation and valediction, in particular the epistolary, are commonly gross violations of the truth. The common apology is, that they injure nobody; and on that ground it will readily be admitted that they deserve no very severe condemnation. Yet if they do no good, they are an evil, though small, still uncompensated.

Sq.—But this doctrine of yours leads to a conclusion which I shudder to think of,—that truth, in itself, is not more estimable than falsehood, that each is valuable in proportion to the end it effects.

Sch.—Do not say *my* doctrine; for I have done nothing more than lay before you the common practice and common sentiments of the world. I object to the terms of your conclusion, because they are equivocal.

Sq.—How equivocal?

Sch.—I think I can satisfy you by a few words. What is it that makes truth valuable to us?

Sq.—The good it is the cause of.

Sch.—What is it that procures approbation of certain deviations from it?

Sq.—The good they are the cause of.

Sch.—It is thus admitted by you that, in themselves, and without regard to their effects, speaking truly and falsely are equally matters of indifference. In this sense, therefore, the conclusion you draw from the received morality is true; but

there is another sense in which it is very far from being true. Take speaking truly and speaking falsely in conjunction with their effects, and the difference is unspeakable. The good effects of speaking truly are constant and universal; the good effects of false speaking are occasional only, and, in comparative amount, a trifle. The general rule, therefore, is, that truth is to be observed. But for the very reason for which it is to be observed,—namely, the good which it produces, it is to be abstained from when it would produce not good, but evil. Depend upon it, Sir, whenever you find a man affecting a zeal for truth beyond this mark, it is not morality which is the spring within him.

SQ.—The moral grounds which you have laid down do, indeed, seem to be incontrovertible.

SCH.—And it was of importance to lay them correctly, because all the plausibility bestowed upon the 'no-mendacity' part of the argument against the ballot is derived from keeping the true moral grounds of the question out of view; and in place thereof, thrusting a quantity of false morality in our faces. The question appears to me to be now brought within a very narrow compass. We have only to inquire whether the good to be obtained by the deviation from the line of truth which the ballot may occasion, can be obtained by any other means; and whether the good is so small that the deviation is too great a price to pay for it. Is this inquiry worth entering upon, or is it not?

SQ.—What is worth entering upon, if this be not? I do entreat you to proceed. I never was more deeply interested in anything.

FAR.—I am so deeply interested, that my tongue has been tied. I have not had a faculty but attention alive. It is of infinite importance to men in such circumstances as mine, to feel that, in protecting themselves against their oppressor, they do nothing of which they need to be ashamed. This will keep the pride of virtue alive in their breasts.

SCH.—The first inquiry, then, we have to undertake is, whether the end to be obtained by the lie of the ballot, can be obtained without it.

SQ.—Can it, or can it not?

SCH.—There is one very obvious way—namely, that the possessors of the compulsory power should cease asking promises before, or confessions after, the vote. If they could be either prevailed upon, or compelled to abstain from this exercise of their power, the object would be gained, free voting would take place, and not a lie would be told.

Sq.—That is clear.

Sch.—It is also clear, that if they act the other way, they, and they only, are the cause of all the lying which takes place. The guilt of it, therefore, belongs to them.

Sq.—The great guilt undoubtedly belongs to them. Whether there is not a separate guilt of him who allows the lie to be extorted from him, we have yet to see. But this abstinence of the landlords, which would save the lying, is it a thing to be expected of them, or not?

Sch.—The writer in the 'Edinburgh Review' goes openly and stoutly on the ground, that they can neither be counselled nor compelled; that they have objects of their own to gain by exerting the power which their fortunes give them; that they are men governed by selfish and ungenerous purposes; and that all the blessings of good government opened to the hopes of their countrymen have no charm for their eyes, nor anything but the profits of misrule, which, by defeating the ballot, they hope still to secure. The author in the 'Edinburgh Review' is not sparing in his condemnation of this conduct. But he affirms it will take place.

Sq.—Is he, or is he not, right in that opinion?

Sch.—First, as to persuasion, I must confess I see no equivalent which can be held out to them for the profits of misrule, which they might secure by defeating the ballot; and such an equivalent, I am afraid, is the only medium of persuasion, from which any great effect could be expected.

Far.—You must allow me to come out with an observation here, though it is hardly in point to this part of your inquiry. But I have been wondering within myself, since you began to speak of the certainty with which the no-ballot men conclude that the landlords would exert their power to secure to themselves nomination if the ballot were obtained, what they could possibly mean by calling upon us to believe that these very men would not think of securing to themselves nomination, if voting were open; as if the same thing which would be to them an object of uncontrollable desire, if voting were secret, would be to them no object of desire at all, if voting were open; and, thereupon, exhorting, or rather commanding us, not to desire the ballot till we should see whether the conduct of the landlords would render it necessary or not. They could not foresee what the landlords would do with their power when they had not the ballot to obstruct them. They foresee perfectly what they will do with it, if the ballot stands in their way. This is a mystery in their conduct, which I wish you would explain.

Sch.—It is not necessary to conclude them altogether dis-

honest in the maintenance of these contradictions; nor altogether foolish. Self-interest is a great confuser of ideas, especially in the minds of those whose habits of thinking have been formed under all the perverting influences which arise from the possession of power. Evidence is no evidence with such men, when it goes against their desires. No proposition is fit for proof, but that which they wish to be true. But though I have no equivalent for those who might hope still to secure nomination by extorting promises from persons voting secretly, I may conclude thus far with certainty—that they will not continue to extort promises, after experience has proved to them that it is of no use. Now, if the vote can be rendered perfectly secret, as I think I have proved that it can—and if, as I think I have also proved, the means either of intimidation or bribery, with the ballot, and a constituency sufficiently large, are too insignificant to be of any avail, it is not doubtful that the promises exacted by landlords will be utterly useless; that asking them will, therefore, be soon relinquished, and become utterly discreditable. The evil of lying, therefore, will be short-lived; the benefits of free voting will have no end.

Sq.—If I do not misrecollect, the writer in the 'Edinburgh Review' has anticipated this remark of yours, and refuted it.

Sch.—I thank you for reminding me of that passage in the article. We should have it before us.

Sq.—I can turn to it immediately.

Sch.—Do so, and read it.

Sq.—It is this:—

'If the ballot had been coeval with our elective system, the case, we readily admit, would have been different. Our feelings and our habits would have been fitted to it, and have grown up in harmony with it—always supposing that it had continued to be a really secret method of voting. To ask a vote, still more to ask a question as to how a vote had been given, would no more have entered into any man's mind, than it now does to overlook a person when he is writing, or to open letters directed to another. But we are considering what protection the ballot, now first introduced, will give to men whose habits are already formed, and cannot be changed—at least during the few years that they would bear such an experiment to be tried.'—*Edin. Rev.* No. CXII. p. 555.

Sch.—I claim this as an affirmation of my opinion. It says that, after a time, secrecy would extinguish the very thought of asking a promise or confession.

Sq.—The Reviewer only says, that if the ballot had been coeval with our elective system, it would had these effects.

Sch.—Surely you do not suspect the Reviewer of putting forth so untenable a proposition as this—that the effect of

secrecy, as part of the elective system, would be good, if it began with the system, but bad if it begin at any other time. What is there in the commencement of an elective system, which should give an effect to secrecy different from the effect it would have at any other point of its duration? No sooner is the proposition distinctly announced, than its futility is seen. The motive to influence votes are of the same kind at the beginning as at any subsequent point of an elective system. If a man has an object to gain by forcing a vote, will he be less disposed to serve himself at the commencement, than during the currency of a voting system?

Sq.—That would certainly be too much to expect; but is there not weight in what the Reviewer says about the habits we have now acquired, and should have to overcome?

Sch.—Let us not talk of those habits vaguely and obscurely. What are the habits we have now, and should not have at the commencement of an elective system? I know but of one—that of commanding the open voter to vote as we please. As to the demanding a promise from the secret voter, that can be no habit when secret voting begins. What is the habit here which is to be overcome? The habit of commanding open votes is gone, when open voting has ceased.

Sq.—Let us not keep to a construction of the mere words of the Reviewer; let us make a liberal interpretation of his sense. I think he must be understood to mean that the habit of commanding open votes would be followed by a propensity to command secret ones.

Sch.—If we do, I think his argument will not be a strong one. Pray, how did the habit of commanding open votes begin?

Sq.—You mean me to say, I suppose—and, in truth, I see not what else I can say—that it began, because he who had the power to command, had also the will.

Sch.—That is to say, he obeyed the dictates of his interest. But why look out for any new habit, to account for a man's obeying those dictates? Is not that the master-habit? But what if voting had been secret from the beginning? Would not the same interest which made men seek a command over open voting, make them seek it also over secret?

Sq.—Undoubtedly it would.

Sch.—And is there anything in the mere point of commencement that should make the feeling of interest less cogent than afterwards?

Sq.—I do not see that there is.

Sch.—Then the desire of the man, who had the same interest

to serve, in commanding secret votes, would not be less strong to command them at the commencement of a voting system, than at any subsequent stage of it.

SQ.—I know not why it should be so.

SCH.—But, at the commencement, the Reviewer says, that desire would have died away; and, again, he says it would not die away at the subsequent stage. But why would it have died away at the first stage? Solely because ineffectual. It will be equally ineffectual at the subsequent stage. Will not the same effect proceed from the same cause? No, says the Reviewer. Why? Because men have acquired the habit of commanding open votes. What reasoning! Because men have continued to do a thing by which they promoted their interests, they will be sure to go on doing another thing, by which they do not promote their interests.

SQ.—I do not, indeed, see how the one of these propositions follows from the other.

SCH.—And if it does not, we are at liberty to conclude, that the landlords of the present day, when they find promises of no use to them, will cease exacting them as well now, as they would a thousand years ago.

SQ.—I think it is vain to contend against that conclusion.

SCH.—The last sentence of the paragraph you have read is, to me, somewhat obscure. The writer desires us to observe, that he is 'considering what protection the ballot, now first introduced, will give to men whose habits are already formed, and cannot be changed—at least during the few years that they would bear such an experiment to be tried.' What is it that you understand by these words?

SQ.—I understand what I think is the obvious meaning of them; that the habits men now have, are adverse to the efficacy of secret voting, and would make them abolish the practice sooner than change their habits.

SCH.—Your comment is not much clearer than your text. We must look at the words a little more closely. The men whose habits the Reviewer here speaks of are evidently the voters—the men needing protection against the vote-compellers. But it is altogether out of my power to conceive what habit they can have adverse to the efficacy of secret voting. What we desire is, that they may vote as they please. Is the Reviewer so ill read in human nature, as to imagine there can be a habit, which men cannot get over, of acting contrary to their will? Men may act contrary to what they desire, under a dread of evil. But will the Reviewer tell us that the landlords

of the present day have more power over the occupants of their land, than the landlords 'coeval with our elective system?'

Sq.—What, then, is it you conclude?

Sch.—That the Reviewer, by these words, has not strengthened his argument. He here supposes a habit adverse to the efficiency of secret voting, in the voters, when there is no such habit; and he allows that the secret voters, if voting had always been secret, would have defeated their masters at the beginning, but would be defeated by them now; that is, when their dependence upon their masters is incomparably less, and their intelligence much greater.

Sq.—The words, when thus examined, do appear to have been inconsiderately spoken.

Sch.—We may as well, since we are upon this passage, not omit the conluding clause of it—where the writer intimates that the voters would not tolerate secret voting more than a few years. What motive should the voters have to seek the abolition of secret voting?

Sq.—He doubtless alludes to the oppression which he had above supposed the voters would be liable to, under the suspicion of having voted contrary to orders.

Sch.—Which oppression we have already shown to be impracticable, and not an object of dread. These reasons are wholly without force; and, therefore, leave the conclusion clear and unembarrassed—that the ballot will accomplish its object, and enable the voter, however dependent in his circumstances, to vote as he pleases, without any terror of consequences.

Sq.—I am not able to oppose these conclusions, and must consider them with such care as will either enable me to refute them, or show me the necessity of assenting to them. But I seem to have lost the thread of our discourse, and must endeavour to resume it. We had remarked that the Reviewer made two assertions—one, that the landlords could not be persuaded; another, that they could not be prohibited, from endeavouring to command secret votes. You had allowed that they could not be persuaded; but proceeded to show that the endeavour would be ineffectual; and that, being without a motive, it would, therefore, cease: and you have shown, with, at least, much appearance of reason, that the arguments of the Reviewer against that conclusion, are without force. It remains, however, for you to show, that it is not impossible to prohibit the selfish endeavours of the landlord.

Sch.—If I have established the conclusions at which we have now arrived, I think the argument is at an end. Where would

be the utility of prohibiting men from a practice, which you know they will not use? And what better security against a practice, than the knowledge, that nobody will have any motive to it? Upon these grounds the utility of the ballot is already demonstrated. However, I think it best to go through all the pleas, and shall, therefore, invite you to suppose that the arguments we have just produced, to show that the compeller of votes will be frustrated, and that he will not long endeavour, when he finds he must always endeavour in vain, are yet unknown to us; that he has, in short, a power of evil, which, not being able to persuade him to relinquish, we desire to take from him. The question is, have we the means? The Reviewer says not. It is our business to inquire. Is not that your meaning?.

Sq.—It is.

Sch.—When a man, or set of men, have a power which they make a bad use of, there are two modes of dealing with them—either to restrain them from the bad use, or to take away the power. The Reviewer has considered only the first mode of remedy, and has passed over the last, as if it did not exist. This is a great error in reasoning. What he has endeavoured is, to prove that no penalties, which could be applied by the legislature to the use made of their power by the owners of large estates in coercing secret voters by punishing those whom they might suspect of voting contrary to their wishes, would be effectual.

If this were true, it would only be an argument for the abolition of large estates. The greatest enemy in the land to the existence of large estates is this Reviewer. There is a power in the hands of those landlords which is used to evil purposes. This use must be prevented. It cannot be prevented, says the Reviewer, by restraining the power; but it can, we say, by taking away the power; and this, if the Reviewer is right, is the only remedy. *Quod erat demonstrandum*. A formula which in this place, I think, we may apply without a joke. Do you concur with me?

Sq.—Your conclusions come upon me so rapidly, that, though I have seen no flaw in the reasoning, I fear to admit them. If the Reviewer is right in affirming, that the owners of large estates can by no means be hindered from making a bad use of their power, I cannot refuse your conclusion, that it is an argument against the existence of large estates; but I recoil from the idea of a law to break up large estates.

Sch.—Not surely, if good government is placed on the one side, and large estates on the other. You do not, I imagine,

prefer for your country large estates to good government. Society was not made for large estates, but for the community. If large estates can be reconciled with the good of the community, leave them to themselves; if they cannot, the consequence is inevitable: they ought to be abolished; nor is there any use in lamenting the catastrophe, which will assuredly come, whether we like it or not. This is the ultimate and sure remedy, if there is no other to be found.

Sq.—You think the ballot will prevent the bad exercise of the power of large estates, and therefore you have no hostility to them; but as I wish every hypothesis to be sifted, let us wave for a moment your argument on this subject, and suppose that the ballot will need aid against the machinations of the landlords, do you think that the Reviewer, when he says that the evil use of the power cannot be prevented, is right?

Sch.—I think he is far from right; I think that many expedients might be employed, without going the length of dividing large estates, which would reduce the mischievous exercise of the power they confer within very narrow limits.

The expedient of direct penalty—the only one which seems to have been in the contemplation of the Reviewer—would, perhaps, be feeble, as he says, from the difficulty of bringing evidence; but, nevertheless, a penalty, and a very heavy one, ought to be applied, which might be paid, in whole or in part, for his evidence, to the voter whose promise or confession had been demanded; and by which compensation might be made to those who suffer injury by an honest vote. It is not an argument against such a law, that there would be difficulties in the execution of it. The main thing wanting would be appropriate tribunals; and their only difficulty would be in determining the value of the evidence received. Suppose a man swears that his landlord had endeavoured to suborn his vote, it would often be difficult to determine whether the landlord should be fined upon such evidence. If a man, however, so swears, and can show by probable circumstances that he has suffered injury from his landlord through suspicion of his vote, there would be no difficulty at all; and in this way the penalty would operate strongly as a safeguard to the voter.

It might be rendered open to any candidate to call upon any landlord to make oath that he had neither intimidated nor bribed. I think that public feeling would operate strongly in sanction of the purity of such an oath. It would not be a custom-house oath, or a clergyman's oath; about which the public are indifferent. An oath on this subject, known to be foul, would leave a stain behind it. Even a penalty, therefore,

would not be so useless as the Reviewer endeavours to prove; and he entirely overlooks the more efficient checks.

Sq.—I am impatient to hear what would be more efficient checks.

Sch.—The means of coercion which a landlord possesses may be mostly summed up, I think, under three heads:—1. The power of dispossessing; 2. The power of pressing for arrears of rent; 3. The power of withholding indulgences. In regard to the first two, I think you will not deny that the power of oppression in the hands of the landlord may be reduced.

Sq.—Perhaps not, when you have shown how it is to be done; at present I do not see.

Sch.—To begin with the power of dispossessing, that is limited by every lease. Why not make leases adequate to the protection of the voter?

Sq.—I see that a lease is protection against dispossession during its currency; but what happens when it expires?

Sch.—Would pure voting, and all the blessings of good government consequent upon it, be in your opinion too dearly purchased, if there were no other means, by declaring all leases perpetual?

Sq.—Certainly not; but it would be a great infringement of property.

Sch.—It is not even liable to that objection; it would be a measure in strict conformity with the principle on which all property rests: that no man shall use that which he calls his own in a way to injure other people. If leases cannot be subject to renewal without such injury, leases must be made perpetual.

Sq.—I know not how to combat your conclusions; but they do not please me.

Sch.—I shall please you better, perhaps, by saying that I do not think perpetuity of leases necessary to prevent the injury which might be made to attend the renewal of them; though I should approve the perpetuity, if I thought the injury could not otherwise be prevented.

Sq.—How then is the injury to be prevented, if the leases are to be renewed?

Sch.—If the terms of the renewal are left to the landlord, the injury will take place. The terms, therefore, must not be left to the landlord, but committed, along with the entire question of renewal, to an appropriate tribunal, by which an equitable arrangement could easily be made.

Sq.—I think, indeed, this might be done, without any great infringement of the principle of property; because an equitable tribunal would weigh the landlord's reasonable objection to any

man as a tenant, and would estimate correctly the rent which he ought to receive.

SCH.—I think, then, we are agreed, that this part of the landlord's power to do mischief might easily be taken away. We may, therefore, proceed to the next.

SQ.—That, I remember, is the pressing for arrears.

SCH.—It is well known that landlords have provided for themselves a power over this class of debtors such as is granted to creditors of no other class: I mean, distraint—a power which stands on no ground of reason, and ought to be abolished. This would greatly lessen their power over a tenant suspected for his political opinions, as they could only enforce a debt through the operation of law. But still the power would be too great, and must be further abridged. The same tribunal which determines whether a lease shall be renewed, and on what terms, should have the power of determining what time a tenant in arrear should have for making payment.

SQ.—These are great restrictions on the power of using a man's property.

SCH.—That is not the question; but whether they are greater than is necessary to prevent him from using that property in a manner injurious to others? for that is the law under which all property is held. Besides, I do not give these as the best expedients: they are such as have suggested themselves to me at the moment; others, which are preferable, are perhaps to be found.

SQ.—You have then shown how two of the landlord's modes of coercing a tenant may be taken away. How do you dispose of the third—that of withholding indulgences?

SCH.—Farther than by the restrictions we have already considered, on the renewal of leases, and raising of rents, and pressing for payment of arrears, I do not see that it would be necessary to interfere. If besides secure possession, at a reasonable rent, with moderation in pressing for arrears, a landlord is beneficent in other respects to his tenants, his conduct will have its effect upon their minds—will naturally incline them to oblige him. This, however, is not coercion; this is an influence which I have no wish to diminish.

SQ.—There is, however, one contingency still which would afford coercive power: I mean the occasional necessity for remissions of rent.

SCH.—These necessities, I think, arise from bad laws; and I have not mentioned them, because, when the corn-laws are abolished, those fluctuations of price, which the necessities in question arise from, will be prevented. When they do exist,

the question of remission is obviously a question for the tribunals we have been speaking of; and thus, you see, that, even waving, as you wished, the conclusion we had come to, that the landlords would not persevere in asking promises or misusing their power over those tenants whose votes they suspected, the means of taking away the power of abuse are not difficult; and that, according to either supposition, the objections to the ballot are overthrown.

FAR.—You have now determined so many points, in a way, I must say, very pleasing to me, that my poor head is a little bewildered. I want to have them all at once before me, that I may survey them together, and see to what they amount.

SQ.—I will endeavour to perform this service, both for you and for myself; feeling not less than you the necessity of combining the propositions we have established, and comparing them with the questions which the controversy involves.

First, then, we considered the objections made to the efficacy of the ballot;—that it could not produce secrecy;—that it could not prevent the obtaining of votes by intimidation;—that it could not prevent the obtaining of votes by certain kinds of bribery. These objections were all shown to be futile: that the ballot could produce secrecy; that it could prevent the obtaining of votes by intimidation; and prevent the obtaining them by bribery. From this we proceeded to the next branch of objection, the evils ascribed to the ballot. We found that they might be considered as all summed up in the word lie; and entering upon the moral question,' we soon perceived, not only that lies were of all degrees of criminality, from the highest to the lowest, but that there were lies even moral and obligatory; that the occasions, however, of good obtained by deviations from truth were so few, compared with those obtained by adherence to it, that the deviation was an undesirable means, and should only be admitted when the good could not otherwise be obtained. Can the good we look to from the ballot be obtained without it? was then the question. Yes, if landlords can either be persuaded, or compelled, to abstain from the impure exercise of their power. The 'Edinburgh Review' says they cannot. We then entered upon an inquiry, which has led us to an affirmative conclusion upon both branches of the inquiry: we found that landlords would soon be persuaded, if not by other people, at least by their own experience, that asking promises was a useless and discreditable labour:—we next found, that their powers of intimidation might be so effectually taken away, that a dependent would risk but little in refusing to tell in what manner he intended to vote, and that the landlord

might be made to risk a great deal by attempting to force him. It appears to me, therefore, that we have arrived at this most acceptable conclusion—that we may, by the natural course of things, have all the benefit of the ballot without the evil of the lie; and at all events, may secure that result by a very obvious and simple piece of legislation.

FAR.—This being so, the inquiry is undoubtedly at an end; for what more can we desire to have, than proof that the ballot may be made really to produce the good effects which its friends expect from it, and without any of the ill effects which are imputed to it by its opposers?

SQ.—I do not see that anything more is necessary, if our conclusions are really sound. But however strong the chain of reasoning by which we have arrived at them, and by which I have found my assent to them compelled, I still feel that my reliance on them is imperfect.

SCH.—We have already adverted to the state of mind you are in—not an unnatural one, nor of rare occurrence; your old belief is contending with your new convictions; what you want, is to be familiarized with your own convictions. A conviction becomes a practical principle only by being made familiar; and many people continue through life acting contrary to their convictions, because they have never been at home with them, and have therefore continued under the influence of some contrary notion, because an old acquaintance. This is one of the shapes in which mental weakness displays itself; stronger minds easily incorporate the new conviction, and master the bias of merely habitual belief.

SQ.—A fair warning to me.

SCH.—You need not take it so, unless you please. I would rather consider you as an example of those who master, than of those who are mastered by, the mere habit of a belief.

SQ.—But have we really then brought the inquiry to a close?

SCH.—Logically speaking, or, for the satisfaction of reason, I think we have; but, rhetorically speaking, or, for the purpose of popular persuasion, something perhaps is still wanting. The rhetorician in the 'Edinburgh Review'—a master in that commanding art—has handled, with much appearance of persuasion, a topic which we have not yet considered. Going upon his own hypothesis, he runs out in a display of consequences of a very odious character, and then concludes that the ballot, even if it produced all the good we contend for, would still be the cause of a balance of evil. It is true we have refuted his hypothesis, and his consequences, therefore, are consequences of nothing. Still I think we ought to consider them; because

there are many people to whose old habits of thinking they will prove very consonant. Even upon his own hypothesis we can show that his consequences do not hold.

SQ.—That will be an important addition to our argument.

SCH.—The Reviewer affirms, that landlords will continue to extort promises, and will receive lies; that this habit of lying will taint the character of the voters; and that this is not all; for the voters, to protect themselves from the vengeance of their landlords, must continue to speak sentiments in accordance with the promise they have made and broken; that is, to profess sentiments different from those which they hold—to pass, in short, a life of lying. A very formidable train of evils, doubtless; but a state of things the possible existence of which, even to the mind of a theorist—and here the Reviewer is a rank theorist—ought to have appeared doubtful. There have been seen states of things in which a handful of men in a nation have been compelled for ages to profess sentiments which they abhorred;—the poor Jews, for example, in Spain and Portugal, —to whom, however, on that account, nobody ever imputed moral depravity; but a state of things, in which a mere handful of men in a nation compelled a great and influential portion of the whole to continue professing sentiments which they abhorred, never yet was seen in the world, and we may safely pronounce never will.

First of all, what are we to think of a Reviewer, even of the rhetorical class, who, discussing a question, which he informs us turns upon a comparison of evils, leaves his argument lop-sided; that is, gives us an overcharged catalogue of evils on the one side, but wholly omits those on the other?

SQ.—What is it you mean? For I do not willingly admit this charge.

SCH.—Observe, that I mark it only as a charge of inadvertence, not of design. But it is a proof how easily the fairest minds are betrayed into controversial injustice, and how much it imports us all to be on our guard against it. For do you not think, that he ought to have given us a catalogue, as fairly made out, of the evils from which the ballot would deliver us, as of those which it would bring along with it? And has he done any such thing?

SQ.—I must say that he has not; and I see the necessity we are under of doing it for him.

SCH.—I cannot help remarking upon one part of the conduct of the men who signalize themselves by their zeal against the ballot—and that is, the wonderful horror they have of a lie,

when it accompanies the ballot; and the want, at least, of all sign of any horror of the lie which attends open voting.

The comparison of these two lies is, in this question, a matter of cardinal importance. If they were lies of the same degree in the scale of moral depravity, the evil, as far as they go, would be equal on both sides. If there is the greatest possible difference between them in this respect, the balance of evil rests with the more criminal of the lies.

SQ.—Explain to us what you mean by the lie on the side of open voting?

SCH.—It appears to me surprising, that it should need explanation to you, or to any body; and yet I imagine the fact is very generally overlooked. Such is the effect of evil custom, and so little is ill looked for in a practice which has long been unconsidered. You will allow that, in undertaking a trust, there is an engagement to discharge it honestly—a promise, in short, solemn and binding in proportion to the importance of the trust.

SQ.—Undoubtedly, I allow that.

SCH.—What do you think of the trust of choosing a member of parliament? Is it not important exactly in proportion to the importance of having a good parliament?

SQ.—Yes, I must certainly allow that; because a parliament can be good, only as the members of it are good.

SCH.—And I suppose you will allow that the goodness of a member depends upon two things—his having intelligence to see what is good for his country; and his having no prevailing motive to betray it.

SQ.—Certainly.

SCH.—I know you have reflected enough upon this most important of all subjects, to have determined in your own mind the reason why an oligarchy, or combination of a small number of the richest men of a community, is necessarily a bad government; and a government genuinely representative is necessarily a good government.

SQ.—I think I understand the reason of that. An oligarchy is necessarily a bad government, because its members have the means, and hence the temptation, to benefit themselves at the expense of the community. A representative government is a good government, because its members have not the means of benefiting themselves at the expense of the community, and are therefore left to the influence of the motive which all men have, to seek the good of the community of which they are a part.

SCH.—We shall also agree, I imagine, that an oligarchy does not change its nature, by a mere change of its outward forms. I mean, that whether the members of it act directly in their own persons, or by means of instruments, so long as the acts of the government are dictated by their wills, and by their interests, the case is nearly the same; bad government is necessitated.

SQ.—That I am far from denying, and as far from denying what I see you are coming to—that a House of Commons, chosen by the members of an oligarchy, is merely an oligarchy acting by its instruments, and as certainly producing bad government as if they acted in their own persons.

SCH.—Now, then, we have got pretty close to the matters of fact which we are interested in understanding. When a voter, voting openly, yields to the intimidation of his landlord, he lends his vote to the production of the oligarchical power, while his covenant with his country is, to use it exclusively for the purpose of good government. This is not a simple lie. It is a lie with the strongest circumstances of aggravation. It is a breach, not of an ordinary promise, but of a promise on which good and evil, to an incalculable extent, depend. Have you anything similar to say of the lie which may be forced upon the secret voter?

SQ.—The evil of the lie which is committed by the secret voter, is the evil of a deviation from truth—which, however, not only taints the character, but produces more or less of a tendency to disregard truth.

SCH.—The Reviewer produces two cases of evil, springing from the mendacity of the ballot; and that is the first of them. The second is, the course of mendacity, which terror of his landlord makes the voter continue, to cover the breach of his promise. The first of these is what we have first to consider. As you have now put his position—which, as far as I remember, you have done correctly—this evil consists of three particulars: the deviation from truth; the taint of the character; and the greater readiness to lie. Now the two last of these, I imagine, are one and the same thing. By tainting the character, I suppose is meant, making the character worse, that is, making it more disposed to the commission of crime. Taint, in any other moral sense, I do not understand.

SQ.—I do not suppose the Reviewer meant it in any other sense; and I agree with you, that the last two items in the enumeration must be considered the same.

SCH.—The whole charge, then, consists of the simple evil of lying, and the tendency which one lie may have to produce other lies.

Sq.—Agreed.

Sch.—But it has been found, that there is a lie on each side of the account—a lie with the open vote; and a lie with the secret vote. As far, then, as the two items of the reviewer go, the simple evil of lying, and the tendency of a lie to produce more lies, the cases are equal; and there is no reason, on this score, to dislike secret, any more than open voting. The prodigious preference given to open voting, therefore, must come from something else than reason.

Sq.—As far as this point is concerned, I grant it you.

Sch.—Such are the two lies in themselves. We have next to compare them in their circumstances. For we have already seen, that in point of morality, the difference between one lie and another is prodigious; and that the circumstances make all the difference. Thus, the lie by which a wicked son takes away the life of his father is not, in itself, a greater deviation from truth, than the lie by which a general deceives an enemy, and saves his country.

Sq.—I not only agree to this, but am satisfied, from what you have said, that it is an important article in the science of morals, too often obscured by vague and sentimental terms.

Sch.—I think, then, after what has already been explained, we may proceed, in a summary way, to our conclusion. The open voter, who votes under intimidation, having promised to his country to vote for the man he thinks best, and having broken his promise by voting for the man he thinks worst, is the cause, along with others, of establishing an oligarchy, and perpetuating all the consequences of misrule—that is, a combination of all the worst evils, both physical and moral, incident to human beings, upon all the millions who constitute the body of the community. This is not exaggeration. Though these evils may not anywhere be seen in full aggregation, and though there may be counteracting causes, in some places of more, in some places of less, efficacy, that does not alter the natural tendency of the horrid cause, nor imply any abatement of its effects, further than as other causes obstruct its operations. In the case of the open voting, therefore, we have the lie, in conjunction with all the unspeakable evils of misgovernment. In the case of the secret voting, we have the lie, in conjunction with all the unspeakable blessings of good government. I will not ask you which of these two lies is most to be deprecated. But I will ask you, and ask all the world, whence comes it we have so many personages expressing the utmost horror at the lie attended with the good consequences, but without a word to say against the lie attended with the evil consequences?

Sq.—The contrast, as thus presented, is most striking. I know not how far habit, to which we have so often had recourse for a solution of moral difficulties, will account for this strange phenomenon.

Sch.—I think it accounts for it in a great degree. But the phenomenon thus accounted for is a most remarkable exhibition of the mode in which the moral sentiments of the ruling class—I mean their habits of moral judging—become depraved under the operation of a system of government habitually pursuing the good of the few at the expense of the many.

Sq.—But still you allow, that the lie is so much of a drawback from the good of the ballot.

Sch.—I do not think that this much concerns our argument. In most deliberations for public good, we have to content ourselves with a compromise. Seldom any arrangement produces pure advantage. That is the best, which produces equal good with the least evil. But we must look a little more narrowly at the lie which produces the good, and see what the common reason of mankind has taught them to think it. By the supposition, the good is not to be obtained without it. For, if it be, the lie should be condemned. The lie of the ballot, then, does for us two things—it saves us from all the evils of bad government; and it bestows upon us all the blessings of good government. You will tell us—for you are well acquainted with this branch of science—what the moralists of all ages have determined, as to the character of a lie of this description.

Sq.—I must own, without reserve, that they have all determined it to be a moral act.

Sch.—But you will allow, that a moral act cannot taint the character—cannot create a propensity to immoral acts.

Sq.—To say so, would, I think, be a contradiction.

Sch.—The Reviewer's imputations, therefore, on the lie of the ballot are groundless. He said, it was in itself a bad act; and that it produced a bad tendency. We have seen that it is, in itself, not a bad act, and that it cannot produce a bad tendency. We might, therefore, proceed to his second list of evils—those subsequent lies with which he says the lie of the ballot must be followed up. But, as the point is of great importance, I wish to hear the grounds upon which moralists go, in determining, that when a deviation from truth is found to be the only means of warding off an evil, or obtaining a good, it loses its culpable character, and becomes a moral act.

Sq.—I need not go to any remote source for the illustration of this point, when I find an approved one at my hand. In Dr. Paley's chapter on 'Promises,' he has a section entitled,

'*In what cases promises are not binding.*' Among other cases, he says:—

'Promises are not binding, where the performance is *unlawful;* as where an assassin promises his employer to despatch his rival or his enemy: a servant to betray his master: a pimp to procure a mistress: or a friend to give his assistance in a scheme of seduction. The parties in these cases are not obliged to perform what the promise requires, because they were under a *prior* obligation to the contrary. From which prior obligation, what is there to discharge them? Their promise—their own act and deed. But an obligation from which a man can discharge himself by his own act is no obligation at all. The guilt, therefore, of such promises lies in the making, not in the breaking them; and if, in the interval betwixt the promise and the performance, a man so far recovers his reflection, as to repent of his engagements, he *ought* to break through them.'

He adduces another case, and says, 'Promises are not binding where they contradict a former promise.' He adds, 'because the performance is then unlawful; which resolves the case into the last.' In the chapter on 'Service,' he says:—

'A servant is not bound to obey the unlawful commands of his master—to minister, for instance, to his unlawful pleasures, or to assist him by unlawful practices in his profession: as, in smuggling, or by adulterating the article in which he deals. For the servant is bound by nothing but his own promise; and the obligation of a promise extends not to things unlawful.'

Paley has a chapter on 'Lies.' Here he lays it down, that 'there are falsehoods which are not lies; that is, which are not criminal.' He then gives an enumeration of the kinds of falsehoods which are not lies, nor criminal; and in particular mentions these:—'Where the person to whom you speak has no right to know the truth; as, when you tell a falsehood to a madman, for his own advantage; to a robber, to conceal your property; to an assassin, to defeat or divert him from his purpose.'

SCH.—This is enough, and a few words will suffice to show the application of the doctrine of Paley to the case of the ballot. First of all, Paley says, that 'promises are not binding where the performance is unlawful.' Surely nothing can be more unlawful than promises to rich men to combine in bringing all the evils of misrule upon the community to which men belong. If there be wickedness in promises, this is wickedness which cannot be surpassed. Paley says next, that 'promises are not binding where they contradict a former promise.' The voter's original promise to his country was, that he would vote for him whom he thought the fittest man. A subsequent promise to vote for him whom he does not think the fittest man contradicts the former as flatly as it is possible for one promise to

contradict another. Paley says, further, that 'a falsehood is not a lie, that is, not criminal, where the person to whom you speak has no right to know the truth.' And what right has the man of wealth to know how the poor man, his dependent, votes; when the law has given the poor man the privilege of secret voting, on purpose that his rich master should not know, and who, therefore, cannot take measures for knowing, without a violation of the law; a violation which ought to be punished? The illustrations of Paley import that a falsehood is not a lie, whenever it is told to defeat a person, who has intentions leading to evil, in carrying them into effect. As no intentions can lead to greater evil than those of the man who would establish oligarchy, no falsehood can be more remote from the imputation of criminality than that which defeats him in such a design.

Sq.—Paley says, the guilt of such promises lies in the making, not in the breaking them, but he does not exempt them from guilt.

Sch.—A promise, however, given under terror, can produce no habit of promising without terror. In the breach of the promise there is morality, not immorality; and in the promise there is no tendency to a habit. What becomes then of the vehement fears of the reviewer, about the evil habits which the falsehood of the ballot must engender? It is thus proved to be exempt from all such tendency?

Sq.—Still, would it not be better that the secret voter should refuse to promise?

Sch.—Yes; and I can mention to you what would be better even than refusing the promise; that it should not be asked. If there be guilt in making the promise, there must be tenfold guilt in extorting it. The promise is given by a trembling dependent, to save himself and family from some of the worst of evils. It is extorted by the master to procure to himself certain advantages, which are to be secured by bringing evils without number upon the great body of the community to which he belongs. The giving the promise is so far innocent, that it injures nobody; and it is given under a motive which few men can be expected to have the power to resist. The extorting tends to incredible evil; and arises purely from that sort of motive, which the law, under penalty of death, requires all men to resist, the desire of getting what does not belong to them. What, if we cannot hope that the extorting will not go on? What also, if we cannot hope but that men in dependence will not act like men out of dependence? What is the consequence? Only this; that we must deal with things as they are, not as

if they were what we wish them. If we cannot get good voting without a promise which is broken without injury to any body, and without the smallest tendency to produce bad habits, we must be contented to get good voting upon these terms, and be glad that they are no worse.

Sq.—I think you have so fully exposed the attempt to discredit the ballot, on account of the broken promise, that we may now proceed to the remaining allegation of the reviewer,—that the breach of promise must be followed by a life of lying.

Sch.—There is one thing, before we proceed to that topic, which I think it may be well to notice. It may be said by others, though it has not been said by the reviewer, that a lie not only creates a tendency to tell more lies, but an entire relaxation of principle, and a greater readiness to yield to every temptation to crime; as we consider that the moral character of a woman who has lost her honour is not partially but entirely gone.

Sq.—Well, what have you to reply to this objection?

Sch.—First, that it proceeds upon a very shallow view of human nature. What is it that makes a breach of chastity in the one sex be thought so complete a subversion of the moral character; and to have not even a tendency that way in the other? Whenever the objector has solved this question, he has made out an answer to himself.

Sq.—I am anxious to know how it is solved by you.

Sch.—The solution is too obvious to be missed by any body. In the one sex the breach is regarded as one thing, in the other as another thing. When a man commits a breach of chastity, he knows it will not be thought by the world, nor is it thought by himself, that he has done anything seriously wrong. The woman both herself thinks, and believes that others will think, that she has committed a great crime. This it is which degrades, which impairs the moral character—the inward thought of having violated an obligation. There can be no doubt, that in every instance in which a man violates a known obligation, he weakens his habit of obedience to obligations. But this has no operation in the case of the ballot; for, in voting as he thinks best, notwithstanding his promise, he knows that he is not violating, but fulfilling his most sacred obligation. On the other hand, the moral contamination we have spoken of would assuredly adhere to the keeping of the promise; when he would act under a sense of violating his most sacred obligations, and would thence be the better prepared for every species of crime. And now for the reviewer's life of lies.

Sq.—Ay, do satisfy me on that point; and then I shall hardly have a scruple remaining.

Sch.—The objection supposes a general opposition of sentiments between landlords and tenants. A few instances would be unimportant. It supposes that the landlords would generally receive promises from their tenants to vote for anti-reform candidates, and would vote for reformers; that the landlord would watch them afterwards, and take vengeance on those who should utter the sentiments of a reformer, as being those who had voted in opposition to his wishes.

Sq.—Yes, this is the real import of the objection.

Sch.—My answer to this is twofold: 1. That the landlords could not exercise the oppression—of the will to which the reviewer supposes them to be in full possession. 2. That the power of such oppression, if they had it, must necessarily be taken away from them; and that it might easily be so.

Sq.—If you make good these two positions, assuredly you will remove the objection.

Sch.—First, I am to show that the supposition of the oppression is absurd. We have inquired what are the landlord's means of oppression; and we have found that they are two: the power of turning tenants out of their farms; and that of pressing them for arrears of rent. But we may defy the most ingenious orator to produce a proposition which will excel in absurdity that in which it is asserted, that the landlords of a country will choose to beggar themselves, to go without income; for that must be the consequence of turning off their tenants.

Sq.—Do you not here exaggerate? The argument does not suppose all their tenants, but some only.

Sch.—As many as are necessary to the end?

Sq.—Yes, certainly.

Sch.—That is all. For where would be the use of turning off a few and leaving the rest; when the void must be filled up by men of the same stamp; and when the next time they will all vote as they did before?

Sq.—The supposition is that they will not; because the example made of a certain number will strike terror into the rest.

Sch.—This is not the least absurd part of this tissue of suppositions. Suppose a certain number of men were taken up at a venture, one in every thousand, for example, of those that pass at Charing-Cross, and were hanged for the prevention of thieving; would not such a practice be truly operative in the prevention of theft?

Sq.—This would have no effect in preventing theft; because

the thief would see that his chance of the punishment would not be increased by his thieving; but that he was just as likely to be hanged if he kept from stealing, as if he did not. It is not, however, in your style, to resort to such a medium of refutation. This is not argument. It does not even come up to rhetoric.

SCH.—What is the fault of it? Your objection, I suspect, arises not from its not being argument; but from its being an argument which strikes harder than you were prepared for. What can be more in point to prove an absurdity, than to produce a parallel case, the absurdity of which all the world must acknowledge?

SQ.—What I object to the case is, that it is not parallel.

SCH.—And I affirm that it is exactly parallel. The men are taken up at Charing-Cross without its being known whether they are thieves or not thieves. The tenants are turned out without its being known whether they have broken their promises or not; for that the secrecy of the ballot renders impossible to be known. The man who is to vote knows he runs the same chance of being punished if he keeps his promise, as if he breaks it. The two cases, therefore, I affirm again, are exactly parallel. And the dread of such punishment affords no motive whatever to regard the promise.

SQ.—You must allow this difference at least; that of the men taken up at Charing-Cross nothing is known. Of the tenants, this at least is known, that they speak such and such sentiments.

SCH.—True. But do you observe what this comes to? To this; that the men are punished for holding such and such sentiments. This is a new hypothesis; but which I am willing to examine, if you have leisure to hear me.

SQ.—I am well inclined to hear you.

SCH.—I say that this supposition is, if possible, still more absurd than the former. For I beg you to say, whether you can conceive anything more contrary to credibility, than that the great body of a people should be held in such terror, by a small number of the men of the same community, as to be made to profess opinions all their lives which they hold in abhorrence. The supposition implies a passiveness and servility, such as the most degraded state of our nature has never exemplified. In the present state of Europe, the attempt could not be made without the ruin of the attempters. This would be to set up a war, not between property and the want of it, but between a few great properties on the one hand, and an overwhelming superiority of property, in moderate portions, in many hands,

and all the rest of the community along with it, on the other; a war, the event of which would not be one week in deciding. Surely the circumstances involved in this supposition the reviewer cannot have considered for one moment.

Sq.—It does seem a little wild, I must confess; and will not serve as an engine to batter down the common-sense advantages of the ballot.

Sch.—To show the impossibility of it still farther, let us consider once more what are the means possessed by the men of large property of effecting so strange a coercion. We have seen that they are but two—the power of dismissing tenants, and the power of pressing them for arrears of rent. We have also seen, what is too evident not to be immediately recognized, that to realize the supposition of the Reviewer, landlords must ruin themselves. Now we may be satisfied, that if landlords cannot defeat the ballot but by ruining themselves, it is pretty safe.

Sq.—I do not question that; but show me a little more distinctly how they are to ruin themselves.

Sch.—You allow that their income depends upon their tenants; and according to the supposition of the Reviewer, they will deprive themselves of tenants.

Sq.—I do not remember where the Reviewer says so.

Sch.—That shows you have not read what he says attentively. He says they must turn out all those of their tenants who do not invariably speak oligarchical sentiments. Three-fourths, at the least, must be supposed to hold sentiments directly the reverse; and the Reviewer tells us, that men of that class cannot go on for any length of time successfully counterfeiting sentiments they do not hold. Three-fourths of them, therefore, will fall under the rule of condemnation: that implies, that three-fourths of all the land of the country are thrown out of cultivation, and that the great landlords of the country deprive themselves of three-fourths of their income. They render themselves, therefore, men of small incomes, and ruin their influence by endeavouring to make it exorbitant.

Sq.—But the supposition of the Reviewer is, that the landlords will not need to turn out all their anti-oligarchical tenants; that a few of them turned out, for the sake of example, will make all the rest vote as they are required to vote.

Sch.—And we have already proved the absurdity of that supposition, by showing its similarity to the plan of preventing theft, by hanging every thousandth man at a venture. That a man should be hindered from voting as he pleases, by fear of an evil, which it is twenty to one he will never feel, and of which

he does not lessen his chance one atom by voting according to his conscience and his wishes, is a supposition at the very summit of extravagance. To press for arrears of rent, as means of coercion, would fail for the same reasons—as might be shown by similar explanations. But as they are abundantly obvious, and I would not be tedious, we may omit them, unless you think otherwise.

SQ.—I agree with you.

SCH.—It is only necessary then to add—and this also we have already proved—that if the landlord's power of turning his tenants out, and harassing them for arrears, were not incapable of destroying the securities for good government, which we expect in the ballot, but as potent to destroy them, as the argument of the Reviewer supposes, we have another remedy. It is the easiest thing in the world to take away those powers—either by forbidding the existence of large properties, or by taking away the arbitrary power of landlords over tenants, by giving the question of the renewal and terms of leases, as well as of the exaction of arrears, to the decision of an equitable tribunal.

SQ.—These last conclusions of yours I do not find myself more able to resist than those which preceded them; and I believe, according to your doctrine of the necessity of being familiarized with the conclusions which have satisfied one's reason in order to convert them into practical principles, that I want nothing more, to be a practical friend of the ballot, than to have incorporated the reasons for it with the rest of my habitual associations.

SCH.—Having shown, as I think, effectually, that the arguments of the Reviewer, by which he undertakes to prove that the ballot is impotent for good, but potent for evil, are untenable, it seems to me that we have cause for the highest exultation.

SQ.—What is it you mean? Not mere triumph over a controversial opponent?

SCH.—Something very different; I mean the assurance of exemption to the human race from the train of evils which would have been their inevitable lot had the arguments of the Reviewer been found to be just. Admit his conclusions; and it follows, that good government is an impossibility; mankind are born to be the spoil and prey of a small number of their wretched fellow-creatures, whom their position renders of necessity the most worthless of their species.

SQ.—The train of consequences you thus adumbrate I see too faintly to be able to trace them; I therefore wish you would point them out somewhat more distinctly.

Sch.—I shall only have to repeat what I have already said, that, according to the Reviewer, a small number of rich men command a majority of the votes of poor men, and that for this there is no remedy; that the promise held out by the ballot is illusive, besides which it is accompanied with peculiar and overbalancing evils. This, I say, is an argument against the representative system, and if the argument were good, a conclusive one; for it would prove that the representative system leads necessarily to oligarchical power, the very worst of all the bad shapes of power, and enables it to act with more security under the mask of representation. Most assuredly, if a majority of the persons sent to serve in parliament must be sent by a few rich men to do as they are bidden, that is, to rule the country for their masters, it would be much better that the masters should rule it directly, without the farce of representation, and all the lying and hypocrisy which attends it. The extent of misrule is not abridged by that scheme of deceit, it is enlarged. The remarkable thing is, that the Reviewer goes on establishing this doctrine with an air of gaiety, and of something even more exulting than self-satisfaction. Yet the prospect, we should think, is such as to strike a damp into any heart which is not made of stone. Admirably was the nature of oligarchical morality understood by Plato, when he made the oligarchical advocate lay it down seriously that moral good is that which is good for the strong man, moral evil that which is not good for him. Habit so conciliates us to this doctrine, that even a man like the Reviewer, who has not an oligarchical wish in his mind, is not startled when he arrives by a train of reasoning at this monstrous conclusion.

Sq.—If it be true that his argument would prove the impossibility of good government,—and I confess I see not how it can be obtained, if not through the representative system, which his argument sets aside,—I must pronounce his apathy wonderful.

Sch.—As we contemplate the case now, setting the real circumstances before us, it would seem impossible that any thing, having the senses and feelings of a human being, should not be melted at the thought of all the miseries with which misgovernment overwhelms the mass of mankind, all fixed on them irremovably from generation to generation to the end of time. But it is not so wonderful that men who contemplate the case in another point of view; who are familiar with the delights of those on whose account these miseries are produced; whose thoughts have been accustomed to run in the same channels, to think with approbation of what brings delight to them, with disap-

probation of that which brings uneasiness; while the pains and pleasures of all the rest of mankind, still more the great causes of their pains and pleasures, are too little thought of to weigh in their minds as objects of much comparative regard, should have their sensibilities little affected by the general idea of misgovernment; and should not feel greatly shocked when brought, by a train of their own reasoning, to the terrific conclusion that such is the inevitable lot of mankind.

FAR.—This apology may do for them so far as it accounts for what I have often observed; a disposition to protect and uphold the poor, in men who were zealots for institutions that would crush them. But surely men enslaved by habits of such partial and insufficient observing and thinking, men whose conclusions may be founded, without their knowing it, upon ideas which embrace but a fraction of the subject on which they presume to decide, are little to be trusted as rulers of nations,—far unfit to judge, in the last resort, of what is good and evil for mankind. And now I think we have provided an answer to all the objections of the no-ballot men. At least I, for my part, cannot think of another.

SCH.—There is, however, yet another which goes upon a very different ground from that which the Reviewer has taken in the greater part of this article; not upon the ground of the ballot's not being efficient, but on that of its being too efficient. And it is curious enough that there are even two sets of arguers upon this single ground: one set complaining that the ballot will destroy the influence of property; the other that it will destroy the influence of poverty.

FAR.—That is an admirable ground which supports contradictory conclusions.

SCH.—I hope you have observed that something like this characterizes most of the allegations against the ballot: one set of them is pretty regularly a negation of another; and yet its adversaries seldom scruple to urge them both. The Reviewer, however, does not associate himself with those who complain that the ballot would destroy the influence of property. He would be ashamed to advocate that only influence of property which the ballot would destroy. He declares that he reprobates that influence. But he says the ballot would do great mischief by precluding the influence of poverty. This, at any rate, has an air of generosity, this is the tone of a protector.

FAR.—But how is it that the ballot can prevent the influence of poverty? Or what influence is poverty possessed of?

SCH.—I had no doubt this allegation would surprise you. And no wonder. The theory, however, of the allegation is this.

The greater portion of the people are not allowed the privilege of voting. If those who possess the privilege (people of some property) vote in secret, that other portion of the people (those of no property) have no influence on their voting. And this is an evil of which they have a right to complain.

FAR.—I doubt whether I understand this doctrine; because it looks to me like an argument not against the ballot, but for universal suffrage.

SCH.—Do you not think the Farmer sees into this subject with clearer eyes than some of his betters?

SQ.—His observation makes me ruminate. I will not venture to say it is wrong.

SCH.—If you consider it a moment longer, you will find it is right. We may go to the bottom of the subject at once; which for the most part, I think, is better than scratching the surface.

FAR.—Only take me along with you.

SCH.—The sole ground and justification, in reason, of taking a part, and not the whole, of the population for the basis of a representative system is, that a part may be taken, much less than the whole, but yet sufficiently extensive to be thoroughly identified in interest with the whole. The inference is, that the general interest is thus secured. The security of the general interest is that which is sought for by good government; and in that is included the interest of the non-voting, as well as that of the voting part of the community. The share of the non-voting part in the general interest, that is, in the blessings of good government, is, by the supposition, perfectly ensured to them without their exerting any influence on the voting. By the supposition, therefore, they cannot possibly exert any influence counter to the natural tendency, but for evil; and if the ballot protects the voting part from such influence, it is a necessary instrument of good.

FAR.—The arguments of those who are against the ballot do turn out, upon your shewing, to be very poor things; they are just nothing at all.

SCH.—A mistaken argument naturally appears so, whenever it is opened up, and seen with its disguise taken off. Your suspicion that the argument against the ballot—ascribing benefit to the influence of the non-voting over the voting part of the population—was an argument in favour of universal suffrage, you see, is perfectly just. If that influence could be of any use, it must be because the voters would not make the best choice without it. But if the non-voters can induce others to make a fitter choice, it must be because they are fitter to choose themselves. This conclusion, I think, is inevitable.

Sq.—I cannot dissent from it, and therefore I do think that this argument, if it does any thing, goes to prove the superior fitness of universal suffrage.

Sch.—The argument, it is evident, goes upon the assumption, that the constituency is defective, and that it needs external influence to keep it right. But a constituency can be defective in only two ways, either by not wishing to make the best choice, or by not knowing the best. It cannot have a will not to make the best choice, but by having a sinister interest, that is, an interest opposed to the general interest. It cannot mistake the best choice, but for want of intellect. The argument, therefore, implies, either that a constituency short of the entire population cannot have the will to make a good choice of representatives, or that the entire population is fitter, in point of intellect, to make a good choice than any section of it; at least than that section which we at present take in this country.

Far.—Certainly nothing can be more clearly proved than the inconsistency of those who maintain the goodness of our present constituency, and yet say that it needs to be kept right by the influence of those who make no part of it.

Sch.—The extreme inconsiderateness with which the arguments against the ballot show that they have been brought forward, is not one of the least remarkable things attending them. To tell us in one and the same breath that we have two sets of men in this country, one set who are the fit and proper men to make the choice of representatives, the other altogether unfit; but that the unfit men ought to have the power of influencing, that is, altering, the choice of the fit men, is a monster in the way of deduction, at which one stares with astonishment.

Sq.—You should have added, of altering *by intimidation*; for that is the necessary supposition; and that an argument should land in such an absurdity, and the arguer not perceive it, does certainly imply a want of consideration which is nearly incredible.

Note, by the Editor of the Dialogue.

This talk about the responsibility of the elector has been recently renewed, and with such bragging assurance, that the futility of it may require to be a little more minutely set forth. The 'Times' newspaper of 21st January, 1835, publishes a speech of Lord John Russell; and in its leading article remarks that Lord John had settled the question of the ballot by 'one

neat observation,' or words nearly the same with these; and the 'neat observation' lauded by the 'Times' is, that the ballot relieves the voter from responsibility.

The heads which lend themselves easily to the delusion of names are not the small class. Responsibility here does the business of Lord John. He has got the name, and the thing, he imagines, goes along with the name, as the substance with the shadow.

Lord John would be puzzled if he were called upon to tell what he means when he talks of the responsibility of the *people*. The electors are the people, if your representative system is not a mockery. They are a portion of the people such, that in their political interests the interests of all the rest are included; that, when their interests are pursued, the interests of all the rest are pursued; when their interests are sacrificed, the interests of the rest are sacrificed. The electors, therefore, and the rest of the people, are the same in point of interest, or your pretended representative system is radically vicious, and calls for a radical reform.

What responsibility does Lord John think applicable to a man in the management of his own affairs? When Lord John appoints a housekeeper and a butler to look after his interests in the kitchen and cellar, does he need any other responsibility than his own responsibility to himself, that is, his own sense of his own interest? can there be any other security so good for his making the best choice he is capable of making?

What does he imagine is done by the people in choosing their representatives? Do they not make choice of agents to look after their interests in the business of legislation, just as Lord John chooses agents to look after his interests in the business of the kitchen? and can they need, or can there be, any other responsibility for their choice, than what Lord John is under in choosing his servants, the knowledge that a good choice will be good for them, a bad choice will be bad for them?

Lord John must not think it impertinent, after the way he has talked, if we ask him a plain question,—if he knows what is meant by responsibility? Lord John knows many people, and admires some, who are very ready in the use of the word, but know the meaning of it no more than what name it goes by in the language of Brobdignag.

What is it we do to a man when we make him responsible for any act of his? Do we not contrive some means or other of making it contrary to his interest not to perform it as we desire he should? that is, in other words, of making it his interest to do it? Responsibility means always this one thing, an interest

created to a man by external agency to do something which we wish done and which he would not have a sufficient motive to do without the operation of that agency. When he has that motive, responsibility is a word without a meaning. Where would be the use of saying a man is responsible for eating when he is hungry, for resting when he is tired? When it is made a man's interest to do so and so, whether by the hand of nature, or the hand of art, the object is gained. But where nature does the business without art, the latter is useless and absurd.

Lord John, however, and the 'Times' newspaper, scorn this mode of reasoning. They say that art ought to be added to nature in securing the good choice of representatives. And how is it they think the art is to operate?

By the supposition, nature has secured, by making it the interest of the voter, the best choice he is capable of making. But, say the two heads of Lord John and the 'Times,' we must have something more, we must have publicity, which makes the voter responsible. But this responsibility must either operate in the same direction with the voter's own previous interest, and then it is not wanted; or it must act in opposition to it, and then it is pernicious.

Having thus seen, that the responsibility of the voter, which Lord John and the 'Times' newspaper are so anxious to provide for us, would, on the most favourable supposition, be altogether useless, let us entreat them to consider (for it appears they have not yet done so) the price they would have us pay for this mock security, this insignificant instrument, this gewgaw of theirs.

To obtain it we expose the voters to the force of all the influence which wealth possesses on poverty, that is to say, we place the votes of the great majority of the voters at the disposal of the rich, who thus become the absolute masters of the country, and constitute an oligarchical government with all its abominations.

The publicity certain persons are so eager for, produces, therefore, two responsibilities. It makes the voters responsible, they say, to the non-voters, and it makes them responsible, as we say, and they must confess, to the class of men whose riches give them a power of good or evil to a great extent over their poorer neighbours.

Who sees not that the responsibility of the poor man to the poor class of men is as nothing; his responsibility to the class of rich men is commanding? For the *name*, then, of responsibility, without a grain of the reality, operating in the right direction, these patriotic enemies of the ballot desire us to

constitute a responsibility, operating in the wrong direction, with a force which is irresistible. Such is the bargain they recommend to us, and that with a zeal which, considering the nature of the bargain, is enough to startle us.

The zeal with which they recommend such a bargain is the more remarkable, that they themselves declare and proclaim the utter worthlessness of that responsibility for which they would have us to pay so fatal a price. Is it not they who affirm with assurance, that if voting were secret, the farmers would keep away from polling at the bidding of their landlords, that this coercion would be complete? And what does that declare with the voice of a trumpet? What but this, that the motive created by the power of good or evil in the hands of the poor multitude is as nothing; the motive created by the same power in the hands of the rich few is irresistible. Can there be a stronger argument for the ballot than this? can there be a more pointed satire on the pretence that the knowledge by the people whether a man did or did not vote according to his conscience would be a security to us for honest voting? The farmer who stays away makes proclamation of the fact. He says to all those around him, the opinion you may hold of my conduct is of small importance to me compared with what I have to hope and fear at the hands of my landlord. My responsibility to you is something in name; my responsibility to him is something in terrible reality.

The tendency of all the arguments against the ballot being to bestow unlimited power on the small class of rich men in the state, or to persuade us that their hold of it cannot by any means be prevented, gives rise to serious reflections. Is it that the enemies of the ballot see not these obvious consequences? or, that seeing them, they have no aversion to them? Some of them are not like the 'Quarterly Review' men, and the other enemies of the Reform Bill. The consequences of that Bill *they* speak of with an abhorrence which amounts to frenzy, the furious language of madmen. It shows what interest they had in the consequences of the unreformed state of things. Wherever there are abuses, there are men to profit by them; and whenever profit is taken away by the reform of such abuses, there will be men to curse the reform, the men who have produced it, and all those whose train of thinking awakens the dread of more such reforms.

POSTSCRIPT.

SINCE our Article on the political state of the country was sent to press, the experiment which, when that Article was written, was but in an early stage of its progress, has been completed. By the result of that experiment, it is ascertained, first, that even with all the defects still inherent in our representative system, the crown and the aristocracy can no longer force upon the nation a ministry against its will; and, secondly, that the nation will not endure a conservative ministry. The time, indeed, is not come for a ministry of thorough Reformers; and the Tories, as little as the Whigs, now profess themselves thorough anti-reformers. Tories may grant reforms; and Whigs, as the people well know, will often refuse them, or pare them down into insignificance. But there is this difference between the two parties: the Whigs at least profess to *love* reform; the spirit of examination and change which is abroad is no subject of lamentation to them; they declare themselves gratified by it, and take credit to themselves for having helped to produce it. The Tories, on the contrary, look upon that spirit with avowed suspicion, most of them with absolute terror; they make no pretence of sympathizing with it; and whatever concessions they are willing to make to it are made avowedly to necessity.

By such persons the nation has now declared, in a manner not to be misunderstood, and which has carried conviction to the minds even of those to whom such a fact is least palatable, that it will not be governed. It will not have for ministers men who confess that their hearts are not in the cause of reform—who lay claim to support, not for what they will, but for what they will not, do, to forward the amendment of our institutions. Men who would govern this country from henceforward must not be men who thought our institutions perfect five years ago, and who declare that their opinions have not changed. They must either have the sincere belief, or the decent pretence of a belief, that those institutions were and are imperfect—that there are changes, which are not merely necessary evils which the people unthinkingly demand, but a good in themselves.

This is a lesson, not without its value to those who still needed it. In all other respects, the prospects of the nation appear to us, after this change, exactly as they appeared three months ago. The progress of reform appears to us certain; and we know

full well that it will be slow. Any ministry which can be formed out of the scanty and inefficient materials afforded by the present houses of parliament will leave much to be desired —much to be criticised—much to be pardoned. We do not call upon the thorough Reformers to declare enmity against them, or to seek their downfall, because their measures will be half-measures, often not more than quarter-measures; nor even because they will join with the Tories in crying down all complete reforms, and will fight the battle of half-reform with anti-reform artillery. This the thorough Reformers are prepared for, and we believe they will disregard it. But we do implore them not to implicate themselves in the responsibility of a half-reform policy. They may support a ministry, where it deserves support, with far greater effect out of office; and they will retain the inestimable advantage of being at liberty to advocate what, as members of a cabinet, they would not have it in their power to carry into effect. Let them not allow themselves to be circumvented by the time-serving doctrine, that it is imprudent to propose anything which has no chance of immediate success. All great things which have ever been accomplished in the world, since Opinion became the ruler of it, have been accomplished by attempting things which for years, or generations, or ages after the first attempt, had not the remotest chance of success. Whoever, as a statesman, acts upon any other maxim, aims not at the glory of himself exercising any influence over the fortunes of his country or of mankind, and aspires only to register decrees, in the framing of which he voluntarily declares himself unworthy to have any voice.

If the ambition of the thorough Reformers be not limited to this paltry object, they will penetrate themselves with the conviction, that it is for others to consider what can be carried through the House of Commons; but that *they* are there to stand up for what is good in itself, let who will be minister, and however small a portion of the House may go along with them.

From the ministry we neither expect nor demand all this; nor has the time yet come when so manly a course would be consistent with their remaining a ministry. But there is one thing which is not too much to require of them. We cannot expect that they will propose measures which are in advance of the House of Commons; but, unless they would be utterly contemptible, let them not, this time, confine themselves to such as they trust will be agreeable to the House of Lords. That this was the principle, the systematic principle, of Earl Grey's ministry, we have the public testimony of Lord John

Russell, in a speech to his constituents in Devonshire; and Lord Melbourne's answer to the Derby address was in the same spirit. If the new ministers act upon a similar principle; if, as often as they believe that the House of Lords would throw out a measure of improvement, they mutilate it, or refuse absolutely to introduce it, and perhaps even assail it when introduced by others; if they again place themselves as a barrier between the Lords and public odium, and, to shield the real culprits, take upon themselves the responsibility of withholding from the nation its just demands,—their administration will assuredly not last one twelvemonth. Recent events are proof more than sufficient, if proof had been wanting, that it is impossible to please the Tories and the people both. The people will not have the Tories, even on a promise to act like Whigs; and ridiculous indeed would the expectation be, that they would tolerate Whigs who should again make it their avowed principle to act like Tories.

A.